

# **Keeping children safe in education 2022 Draft Consultation**

**Government consultation**

**Launch date: 15 July 2022**

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## Introduction

The purpose of this consultation is to seek views about proposed changes to Keeping children safe in education (KCSIE) statutory guidance. KCSIE sets out those legal duties that schools and colleges must comply with, together with what schools and colleges should do to keep children safe. Schools and colleges must have regard to KCSIE when carrying out their duties to safeguard and promote the welfare of children. It is split into five parts, as follows:

- **Part one** - sets out what staff in schools and colleges should know and do. It explains their safeguarding responsibilities, what the various forms of abuse and neglect look like and what staff should do if they have concerns about safeguarding matters.
- **Part two** - sets out the arrangements for the management of safeguarding, including the responsibility of governing bodies and proprietors, the role of designated safeguarding leads and the safeguarding policies and procedures that should be in place.
- **Part three** - sets out the safer recruitment arrangements schools and colleges should adopt and describes in detail the checks that are required for individuals working or visiting a school or college.
- **Part four** - sets out how schools and colleges should manage allegations of abuse made against teachers and other staff including supply teachers, volunteers, and contractors.
- **Part five** - is about managing reports of child-on-child sexual violence and sexual harassment and sets out what governing bodies and proprietors should be doing to ensure reports of child-on-child sexual violence and sexual harassment are managed appropriately.

## Who this consultation is for

- School and college staff
- Designated safeguarding leads and their deputies
- Governing bodies of maintained schools (including maintained nursery schools)
- Proprietors of independent schools (including academies, free schools, and alternative provision academies) and non-maintained special schools
- Management committees of pupil referral units (PRUs)
- Post 16 providers as set out in the Education Training (Welfare of Children) Act 2021
- Local authority children's services
- Professionals working in social care
- Teaching unions
- Safeguarding practitioners, including training providers

- Supply agencies

## Issue date

The consultation was issued on 11 January 2021.

## Enquiries

If your enquiry is related to the policy content of the consultation, you can contact the Teacher Regulation, School Safeguarding and Safety Team at:

[Safeguarding.SCHOOLS@education.gov.uk](mailto:Safeguarding.SCHOOLS@education.gov.uk).

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) later in the year.

## About this consultation

This consultation document sets out the changes the Department for Education proposes to make to Keeping children safe in education (KCSIE), statutory guidance.

## **Other ways to respond**

If for exceptional reasons you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email or post it.

### **By email**

## Introduction

**Question 1:** What is your name?

**Question 2:** What is your email address?

**Question 3:** What is the name of your organisation?

**Question 4:** What type of organisation is it?

Nursery / Primary school / Secondary school / Multi Academy Trust / Sixth Form / FE / HE / Union / Charity / Training provider / Consultancy / Other / Not applicable

If other, please state

**Question 5:** In what capacity are you responding?

Teacher / Head Teacher or Principal / Other Senior Management / Designated Safeguarding lead (or deputy DSL) / Teaching Assistant / Parent or Carer / Trainer / Consultant / Official / Other

If other, please state

**Question 6:** Would you like us to keep your responses confidential? If yes, please provide a reason for confidentiality.

**Please note:** Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004.

If you want all, or any part, of a response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic



confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 2018 and, your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it.

You can read more about what the DfE does when we ask for and hold your personal information in our [personal information charter](#).

# Section 1 – Summary of the guidance

## Background

This section of the consultation addresses the changes we propose to make to the summary section of the guidance.

The summary section contains:

- Status of the guidance
- About this guidance
- Who is this guidance is for?

## Who is this guidance for?

### Proposals and rationale

Following the amendment to the Apprenticeships, Skills, Children and Learning Act 2009 by The Education and Training (Welfare of Children) Act 2021, KCSIE 2021 was revised to incorporate safeguarding requirements for 16-19 Academies, Special Post-16 institutions and Independent Training Providers.

**Question 7:** Is the guidance clear on the safeguarding requirements placed on the above providers?

Yes / No / No opinion / Don't know

What further information would you find helpful?

## Section 2 – Part one: Safeguarding information for all staff

### Background

Part one of KCSIE sets out what all staff need to know, what they need to look out for and where they should report their concerns.

### What school and college staff need to know

#### Proposals and rationale

We think it is important that 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 – or they may not recognise their experiences as harmful. As such we have added this into the section on what school and college staff need to know.

**Question 8:** Is the additional information helpful for school and college staff?

Yes / No / No opinion / Don't know

Please explain your answer.

## **Section 3 – Part two: The management of safeguarding**

### **Background**

Part two of KCSIE sets out the responsibilities of governing bodies and proprietors to safeguard and promote the welfare of children and includes guidance on the safeguarding policies and procedures they should have in place.

### **Legislation and the law**

#### **Proposals and rationale**

Schools and colleges have legal duties with regard to the Human Rights Act 1998, the Equality Act 2010 and the Public Sector Equality Duty (those schools and colleges that are publicly funded). Whilst these are not new requirements, we have added information (originally in the standalone sexual violence and sexual harassment between children in schools and colleges advice) to remind schools and colleges of these legal duties and the links to their safeguarding duties and sources of additional information.

**Question 9:** Is this additional information helpful?

Yes / No / No opinion / Don't know

Please explain your answer.

### **Governor and trustee training**

#### **Proposal and rationale**

Training is essential to ensure new governors/trustees understand their roles and responsibilities, particular in them taking a strategic rather than an operational approach. Other departmental guidance already sets out the importance of appropriate governor training

**Whole school and college approach to safeguarding**

**Proposal and rationale**

## **Designated safeguarding lead**

### **Proposal and rationale**

We want to ensure, as already set out in KCSIE, that designated safeguarding leads

## Section 4 – Part three: Safer recruitment

### Background

Part three of KCSIE provides schools and colleges with guidance on the statutory requirements and important information about safeguarding and recruitment.

### Restructure

In 2021 we substantively revamped Part three of KCSIE to better reflect the recruitment process that schools and colleges follow. We want to test if the new Part three is an improvement.

**Question 18:** Is the restructured Part three (designed to follow the recruitment journey) an improvement compared to the old lay out?

Yes / No / No opinion / Don't know

Please explain your answer.

**Question 19:** Are there any additional changes you would suggest we make to Part three to better support school and college safer recruitment?

Yes / No / No opinion / Don't know

Please explain your answer.

### Shortlisting

#### Proposal and rationale

As part of the shortlisting process, we have added a new paragraph suggesting schools

## Section 5 – Part four: Allegations of abuse made against teachers and other staff

### Background

Part four of KCSIE is about managing cases of allegations that might indicate a person poses a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. This part of the guidance should be followed when dealing with allegations against anyone working in the school or college, including supply teachers, volunteers, and contractors.

### Managing allegations of abuse

#### Proposals and rationale

KCSIE has always reflected the fact that schools and colleges should have processes in place to respond to any allegations or concerns about staff, volunteers, and contractors. However, whilst there has always been detailed guidance in Part 4 of KCSIE on managing allegations and concerns that meet the harms threshold, we had not in the past provided guidance on allegations or concerns that fall short of that threshold. In response to feedback from our last KCSIE consultation we added a new section about 'low level' concerns.

**Question 21:** Has this new section about 'low level' concerns helped to clarify the importance of addressing 'low level' concerns?

Yes / No / No opinion / Don't know

If no, please explain

**Question 22:** Does this section provide the right level of information on 'low level' concerns?

Yes / No / No opinion / Don't know

If no, what further information would you find helpful?

### References

#### Proposals and rationale

KCSIE is clear that only substantiated allegations that meet the harms threshold set out in Part four should be included in employment references. Now that we have added a section on 'low level' concerns, we want to find out more information about sharing these concerns when they are substantiated.





## Section 6 – Part five: Child-on-child sexual violence and sexual harassment

### Background

Part five of KCSIE is about managing reports of child-on-child sexual violence and sexual harassment. It sets out what governing bodies and proprietors should be doing to ensure reports of child-on-child sexual violence and sexual harassment are managed appropriately.

### Effectiveness of Part five

#### Proposals and rationale

We have withdrawn the Sexual violence and sexual harassment between children in school and colleges standalone advice and removed all references to it. This guidance has now been incorporated throughout KCSIE, and especially in Part two and Part five, in order to give the issue the prominence it deserves in statutory guidance. It will also remove duplication as much of the content in the standalone advice was already in Part five of KCSIE.

Incorporating the standalone advice ensures schools and colleges only need to go to one document rather than two when considering child-on-child sexual violence and sexual harassment. Most of the content has been moved to the beginning of Part five. We have also taken the opportunity to move across the definition of ‘victim’ and ‘perpetrator’- moved into the summary section, and information that links school and college legal duties under the Human Rights Act 1998 (HRA) <sup>1</sup>, the Equality Act 2010<sup>2</sup>, the Public Sector Equality Duty<sup>3</sup>, and their safeguarding responsibilities- moved into Part two.

**Question 24:** Please provide any comments on how we have incorporated the standalone sexual violence and sexual harassment between children in schools and colleges advice into KCSIE?

The department continues to recognise the complexities for schools and colleges of managing reports of child-on-child sexual violence and sexual harassment. We think

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<sup>1</sup> [Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> [Equality Act 2010 Advice for schools-for-schools](#)

<sup>3</sup> The Public Sector Equality Duty is a legal requirement for schools and colleges that are public bodies. [Public Sector Equality Duty \(advice for schools\)](#)

incorporating the standalone advice in KCSIE will help give the issue the prominence it deserves and remove duplication between the two documents for schools and colleges. Part five remains the primary resources for schools and colleges on this matter and has been strengthened by incorporating additional guidance and support from the standalone advice.

**Question 25:** Does the revised Part five of KCSIE provide the right level of information to support schools and colleges manage reports of child-on-child sexual violence and sexual harassment

## **Section 7 – Expanding our evidence base**

Yes / No / No opinion / Don't Know / It's not my responsibility

Please explain your answer.

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write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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