



Department
for Education

Keeping children safe in education 2020

Government consultation

Launch date 25 February 2020

Respond by 21 April 2020

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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 in order 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, other staff, 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 is for

- School and college staff
- 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 in receipt of funding from the Education and Skills Funding Agency
- Children's services
- Professionals working in social care
- Teaching unions
- Safeguarding practitioners, including training providers
- Supply agencies

Issue date

The consultation was issued on 25 February 2020.

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

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 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.

This paper is split into seven sections, to reflect the composition of KCSIE. These sections are:

- Section 1- proposed changes to the summary of the guidance;
- Section 2 - proposed changes to Part one of the guidance: what staff need to look out for and where they should report their concerns;
- Section 3 - proposed changes to Part two of the guidance: the responsibilities of schools and colleges to safeguard children;
- Section 4 - proposed changes to Part three of the guidance: what schools and colleges need to do to ensure staff are suitable to work with children;
- Section 5 - proposed changes to Part four of the guidance: what schools and colleges need to do to manage cases of allegations of abuse against teachers;
- Section 6 - proposed changes to Part five of the guidance: what schools and colleges need to do to manage reports of child on child sexual violence and sexual harassment; and
- Section 7 - other safeguarding issues on which we would welcome responses.

Subsequent proposals

It is important to note in proposing the changes, our aim is to help schools and colleges better understand what they are required to do by law and what we strongly advise they should do to fulfil their safeguarding responsibilities. Many of the proposed changes are technical in nature. These are intended to improve the clarity of the guidance and ensure consistency throughout. A list, with an explanation of all the proposed substantive changes is set out at Annex G of the draft guidance.

The consultation document asks a number of questions about the substantial changes we are proposing to make to KCSIE. The responses to these questions will inform the final guidance.

We would like to hear your views on our proposals.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

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

Safeguarding.SCHOOLS@education.gov.uk

By post

KCSIE 2020 Consultation response
FAO: Teacher Regulation, School Safeguarding and Safety Team
Department for Education
Floor 0
Bishopsgate House
Darlington
DL1 5QE

Deadline

The consultation closes on 21 April 2020.

Introduction

Question 1: What is your name?

Question 2: What is your email address?

Question 3: What is your organisation?

Question 4: Would you like us to keep your responses confidential? If yes, please provide a reason for confidentiality.

Section 1 – Summary of the guidance

Background

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

The summary section contains:

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

Proposals and rationale

Who is the guidance for

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. Currently it should be read by all staff.

There is an argument that the detail in Part one is far in excess of what staff such as caterers and cleaners need to read to fulfil their safeguarding responsibilities. Some stakeholders have suggested that the level of detail currently in Part one obscures the basic message, i.e. if you see something, say something.

For those staff, who do not work directly with children on a regular basis, we highlight in this section that we have proposed, at Annex A of the draft guidance, a shortened version of Part one. We are proposing that governing bodies and proprietors are given the freedom to choose this shortened version, to enable those staff not regularly working directly with children to fulfil their safeguarding responsibilities, where they think it will be a better basis for them to promote the welfare and safeguard children.

Question 5: Do you support this approach?

Yes / No / No opinion

Please explain your answer.

Question 6: Do you have any comments about the content of the new Annex A?

Yes / No / No opinion

If yes, please explain.

General

Question 7: Do you have any comments about any other content in the summary section to the draft guidance?

Yes / No / No opinion

If yes, please explain.

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.

In this section of the consultation we explain the substantive changes that we propose to make to Part one and invite comments on the proposed changes.

Proposals and rationale

Mental health

We are proposing to include mental health content at paragraphs 32 - 35 of Part one and at paragraphs 142-145 in Part two of KCSIE to help schools and colleges understand how mental health should be embedded in existing safeguarding requirements. Our intention is to make clear in KCSIE that safeguarding and promoting children's mental health is a whole school and college responsibility and that systems should be in place to ensure this.

Question 8: Do you support our proposals in relation to mental health and safeguarding?

Yes / No / No opinion

Question 9: Are there any additional changes you believe should be made in relation to mental health?

Yes / No / No opinion

If yes, please explain.

Criminal exploitation and serious violence are an increasing threat for young people.

We are proposing to include additional content on criminal exploitation and serious violence in Part one and Annex B of KCSIE to help schools and colleges understand how to identify young people at risk of harm.

Question 10: Do you agree with our proposals in relation to criminal exploitation and serious violence?

Yes / No / No opinion

Please explain your answer.

Question 11: Are there any additional changes you believe should be made to help you support young people at risk of criminal exploitation and serious violence?

Yes / No / No opinion

Please explain your answer.

Consolidated Part one

We are proposing to make a number of changes to Part one to provide what we think is important information and improve the flow of this part in order to enhance its readability.

A full list of all the substantive changes proposed to Part one is provided at Annex G of the draft guidance.

Question 12: Do you support the proposed changes to Part one set out at Annex G?

Yes / No / No opinion

Please explain your answer.

General

Question 13: Do you have any comments about any other content in Part one of KCSIE?

Please explain.

Further information - Annex B

We are also making changes to Annex B of KCSIE (“Further information”) to provide up to date information for schools and colleges.

Question 14: Do you support the proposed changes to Annex B?

Yes / No / No opinion

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.

In this section of the consultation we explain the substantive changes that we propose to make to Part two and invite comments on the proposed changes.

Proposals and rationale

Online safety

We have moved a significant amount of the online content in Annex C of KCSIE 2019 to Part two of the draft guidance. The main part of the online safety content commences at paragraph 111 (but minor changes are reflected elsewhere as appropriate too). This proposed change gives online safety the prominence it deserves in the main body of the guidance, it does not introduce new burdens or processes, it makes clear that the management of online safety sits alongside, and should be considered with, broader safeguarding requirements and the whole school or college safeguarding approach.

Question 15: Do you support the proposed changes to how online safety is reflected?

Yes / No / No opinion

Please explain your answer.

Designated safeguarding lead

The conclusion of the Children in Need (CiN) review (<https://www.gov.uk/government/publications/review-of-children-in-need/review-of-children-in-need>) set out new data on the poor educational outcomes of children who have needed a social worker, the barriers to education they face and the support that can help them overcome these. A key part of this support is making sure schools have the information they need about children who need a social worker, and ensure they receive the right pastoral and academic support.

Designated safeguarding leads (DSLs) play a vital role in safeguarding all children and promoting their welfare. Given the new insights that have come out of the CiN review, we are now updating our guidance for DSLs to clarify the type of additional support that the review has shown can help improve the educational outcomes of children who need

and have needed a social worker. This includes improving the visibility of this group and supporting school staff to find effective ways of engaging and teaching these children.

We committed in the review to consult on these guidance changes to make sure that DSLs and schools have the capacity and support to provide the right help for this group of children. We recognise that schools and colleges are facing pressures and therefore the right help needs to be provided to support any change in practice. The consultation will help us understand to what extent designated safeguarding leads and their deputies are already providing this type of support to children who need or have needed a social worker. We are also consulting on what additional resources, training or support would help them to provide it successfully so that we can make sure the right support is in place when these changes are introduced.

The updated guidance on the DSL role is set out in Part two in paragraphs 75 - 81 and at Annex C.

Question 16: What additional roles does your DSL have (select more than one if appropriate)?

- a) Headteacher
- b) Deputy headteacher
- c) Other senior leadership team (SLT) role
- d) Teaching responsibilities (timetabled hours)
- e) Other statutory role(s) e.g. SENCo, designated teacher etc.
- f) Non-statutory role(s) (please state which ones)

Question 17: Approximately how many hours does the DSL in your school or college spend fulfilling their DSL role and responsibilities in an average week?

- a) 4 hours or less
- b) 5 to 9 hours
- c) 10 to 19 hours
- d) 20 to 29 hours
- e) 30 to 39 hours
- f) 40 hours or more
- g) not applicable

Question 18: What is the role of the deputy DSL in your school(s) or college? Please include an outline of the number of deputy DSLs and their responsibilities.

Please provide your response.

Changes have been made in the guidance at Part two and Annex C to provide greater clarity for the DSL, which will support them in their duties to promote the welfare of children, specifically by promoting educational outcomes for children who need or have needed a social worker.

Question 19: Are the responsibilities set out in the draft guidance at Annex C clear?

Yes / No

Please explain your answer.

Question 20: Are these responsibilities additional to what the DSL in your school or college currently does in their role?

Yes / No / Not sure / Not applicable

Please explain your answer.

Question 21: How does the DSL currently ensure that school and college staff understand the needs of children who need or have needed a social worker and the impact their circumstances can have on their education?

Please provide your response.

Question 22: How does the DSL currently ensure children who need or have needed a social worker are able to reach their potential in their education?

Please provide your response.

Question 23: How is the DSL supported by the school or college to undertake their role as a DSL?

Please provide your response.

Question 24: Which of the following would be helpful in supporting the DSL to carry out the role and responsibilities as set out in the updated version of the guidance:

Select one or more of:

- Additional training
- Online resources and guidance
- Peer support
- Support from leadership team
- Supervision
- Other, please specify

We understand that concerns about information sharing can be a barrier to improving outcomes for children. We want to understand how the current processes are working and if the changes to the guidance better support staff.

Question 25: Have you experienced any barriers to sharing information for the purposes of safeguarding and improving educational outcomes for children who need or have needed a social worker?

Yes / No / Not sure / Not applicable

If yes, please explain.

General

Question 26: Do you have any further comments on the changes to this section?
Please consider whether there are any other barriers to putting them into practice and whether any further support would be helpful?

Yes / No

If yes, please explain.

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.

In this section of the consultation we explain the substantive changes we propose to make to Part three and invite comments on these changes.

Proposals and rationale

Safer recruitment

We believe (a view also shared by a significant number of our stakeholders) that Part three does not currently place enough emphasis on encouraging schools and colleges to have in place an ongoing culture of vigilance. We want to encourage schools and colleges to broaden the information they draw on to ensure unsuitable people are not given the opportunity to work with children. In support of this, from our stakeholder engagement, we believe there is widespread opinion that Part three should be restructured so that it follows more closely the recruitment practices followed by most employers.

Accordingly, our proposals for Part three focus on ensuring potential applicants are given the right messages about schools and colleges commitment to recruit safely, as well as details of what checks will be carried out.

It is important to note that there are **no** changes to the statutory requirements placed on schools and colleges.

We have made revisions to Part three of the guidance and divided it into four sections. These are:

- the recruitment and selection process;
- pre-employment vetting checks, regulated activity and recording of information;
- other checks that may be necessary for staff, volunteers and others, including the responsibilities placed on schools and colleges for children in other settings; and
- how to ensure the ongoing safeguarding of children and the statutory reporting duties on employers.

The guidance includes the processes that should be in place to achieve a safer culture for children, beginning with the wording of the vacancy advert, right through to appointment.

Whilst some schools and colleges use HR/personnel services, it is important service providers understand the safer recruitment principles included in the draft guidance and that recruitment processes they use adopt these.

Question 27: Is the revised new format of Part three helpful?

Yes / No / No opinion

If no, please explain your answer.

Question 28: Do the proposed changes to Part three provide clarity about the principles of safer recruitment and not just being reliant on a DBS check?

Yes / No / No opinion

If no, please explain your answer.

General

Question 29: Do you consider the current safer recruitment processes set out in the 2019 guidance to be burdensome?

Yes / No / No opinion

If yes, please explain your answer.

Question 30: Do you have any suggestions about how the safer recruitment process might be improved?

Yes / No

If yes, please explain your answer.

Question 31: Do you have any other comments about the content of Part three of the draft guidance?

Yes / No

If yes, please explain your answer.

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.

In this section of the consultation we explain the substantive changes that we propose to make to Part four and invite comments on the proposed changes.

It is important to note there are **no** changes to the statutory requirements placed on schools and colleges.

Proposals and rationale

Managing allegations of abuse

The changes we are proposing have been informed by the stakeholder engagement we have undertaken, during which we considered whether improvements to Part four would help schools and colleges with the handling of the allegations process. This engagement identified:

- the need for schools and colleges to ensure they understand the local authority arrangements for managing allegations, including the contact details of the local authority designated officer (LADO);
- the need to clarify how the procedures in Part four should be used when dealing with allegations against supply staff. This information is set out at paragraphs 326 to 329; and
- how to manage allegations that do not meet the LADO threshold.

Question 32: Is the proposed new format of Part four of the draft guidance helpful?

Yes / No / No opinion

Please explain your answer

Question 33: Is it clear what a school or college's responsibility is when an allegation is made against a supply teacher?

Yes / No / No opinion

Please explain your answer.

Transferable risk

Whilst most of the proposed changes to Part four involve the reorganisation of existing material, we have made a significant change at paragraph 310. Here we have added a fourth bullet point under the behaviours which provide an indication of an individual's suitability to work with children.

The reason for this addition is because of transferable risk, where a member of staff or volunteer is involved in an incident outside of school which did not involve children, but which could have an impact on their suitability to work with children. For example, if a member of staff had been involved in domestic violence at home, but no children were involved. Schools and colleges should consider what triggered these actions and whether a child in the school/college could trigger the same reaction, therefore being put at risk.

Question 34: Do you support this proposed addition?

Yes / No / No opinion

Please explain your answer.

General

Question 35: Do you have any other comments about the content of Part four of the draft guidance?

Yes / No

If yes, please explain your answer.

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 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.

In this section of the consultation we explain the substantive changes that we propose to make to Part five and invite comments on the proposed changes.

In December 2017, after working with an advisory group of sector experts, the department published detailed advice for schools and colleges on sexual violence and sexual harassment between children in schools and colleges.

In September 2018 we included a new Part five in KCSIE which 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. This includes: what the immediate response should look like; the options available to manage a report; and what the ongoing response to a report should look like. We committed to test the effectiveness of the detailed guidance and the new Part five in KCSIE and want to use this consultation to do that.

Proposals and rationale

Child on child sexual violence and sexual harassment

Following discussions with our expert advisory group, we are proposing to:

- add an introduction at the beginning of Part five to provide contextual advice information;
- highlight and draw attention to the fact that sexual violence and sexual harassment can be committed by a group of people, and not just one perpetrator. Thus, we have changed perpetrator to 'perpetrator(s)';
- strengthen the advice to reiterate that staff should act immediately if they have concerns and not wait for disclosure and that staff should not be frightened of asking a child outright whether they have been harmed and what the nature of that harm was; and
- provide additional effective safeguarding practice on how to respond to the initial report.

Question 36: Do you have any comments on these changes?

Yes / No / No opinion

Please explain your answer.

Question 37: Do you think that Part five of the draft guidance provides schools and colleges with the right level of information to support them to manage reports of child on child sexual violence and sexual harassment effectively?

Too much / About right / Not enough.

Please explain your answer

Question 38: What would you change about Part five to make it more effective?

Please provide your response.

General

Question 39: Do you have any other comments about the content of Part five of KCSIE?

Yes / No

If yes, please explain your answer.

Sexual violence and sexual harassment between children in schools and colleges

The department produces standalone *Sexual violence and sexual harassment between children in schools and colleges advice*. We are proposing to make minor changes to this detailed advice to predominantly reflect the changes we are proposing to make to Part five of KCSIE.

The proposed revised advice is attached to this consultation. We have considered embedding the full advice into Part five but on balance think this will make it too long.

Question 40: Are you aware of the DfE's advice on Sexual violence and sexual harassment between children in schools and colleges?

Yes / No

Question 41: Do you think the full advice should be incorporated into KCSIE draft guidance?

Yes / No / No opinion

If yes, please explain your answer.

Question 42: Do you have any comments on the proposed changes to the DfE standalone advice?

Yes / No / No opinion

If yes, please explain your answer.

Question 43: Do you think the advice provides adequate information to support schools and colleges to prevent and as required respond to reports of child on child sexual violence and/or sexual harassment.

Too much / About right / Not enough.

Please explain your answer.

Question 44: What would you change about the advice to make it more effective?

Please provide your response.

Section 7 – Expanding our evidence base

Background

In this section of the consultation we are seeking to expand our evidence base in areas where we have routinely been asked to consider changes to KCSIE but where our knowledge is currently limited.

Responses here will enable us to consider whether these issues require further consideration.

Proposals and rationale

Safeguarding training for governing bodies and proprietors

KCSIE currently advises all schools and colleges to have a senior board level safeguarding lead (i.e. a safeguarding governor or equivalent), but we do not hold information about what safeguarding training the lead has undertaken to support them with their role. The following questions are designed to help us understand what training is being undertaken and whether there is appetite to recommend or require particular training.

The responses to these questions will help us make an informed assessment about whether there is a case for making any future change to KCSIE.

Question 45: Does your school or college have a safeguarding governor or equivalent?

Yes / No / Not sure / Not applicable

If yes, have they had safeguarding training?

Question 46: What format did the training take?

Face to face / Online

Name / description of provider.

Question 47: To what extent has the training assisted them to fulfil their role and helped them hold others to account?

Fully assisted/ Not assisted/Not sure.

Question 48: What safeguarding training, if any, have other members of the board had?

Please provide your response.

Low level concerns

KCSIE sets out that schools and colleges should have processes in place to manage safeguarding concerns about staff. Whilst KCSIE sets out at Part four how schools and colleges should handle concerns that include allegations that meet the harm threshold, including the detailed procedure to be followed, the guidance does not provide advice on procedures for handling concerns that do not meet the threshold.

Whilst there is no agreed definition of a “low level concern”, we believe that describing a low level concern as one falling short of the threshold that would lead to an investigation into an allegation as set out in Part four of KCSIE is one that would be widely understood.

We have received representations from stakeholders about the importance of schools and colleges having procedures for recording low level concerns. Those with procedures in place argue their importance for safeguarding children by creating a culture in which all concerns about adults (including those that do not meet the threshold of an allegation as set out in Part 4) are shared responsibly with the right person, and recorded and dealt with appropriately.

Whilst individually behaviours that are a low level of concern may not meet the threshold for an investigation or intervention at the time, cumulatively they may trigger greater concern and warrant more detailed enquiries or action, particularly in cases where a pattern of behaviour is identified.

We understand that schools and colleges already have mechanisms to record such concerns and behaviour, and in some cases with recognised thresholds for intervention, but we do not know how widespread or varied these procedures are. Including advice in KCSIE will help create consistency and have the benefit of protecting staff from local procedures that may not be fair and/or optimal.

Question 49: Do you agree with the definition of “low level concerns” described above?

Yes / No / No opinion

Please explain your answer.

Question 50: Do you agree that it is an important component of school and college safeguarding procedures for low level concerns to be recorded?

Yes / No / No opinion

Please explain your answer.

Question 51: Does your school or college have arrangements in place for staff to report and record low level concerns about the actions and behaviours of staff?

Yes / No / Not sure / Not applicable

If yes, please explain the arrangements.

Question 52: Would it be helpful for DfE to provide advice about low level concerns in KCSIE?

Yes / No / No opinion

Question 53: Do you have any specific comments about what these arrangements should look like?

Yes / No

If yes, please explain.

Question 54: What would be the workload implications for schools and colleges of implementing a system to record low level concerns as described above?

Please provide your response.

International students

We have received representations from stakeholders about the particular potential vulnerabilities of international child students coming to the UK and studying under visa or EEA arrangements, or as overseas children with British passports. The vulnerability of these children may be because of language barriers, their living away from parents, not having relatives in the country, or being under the care of educational guardians. For these children, there is a case for reminding schools and colleges of the particular safeguarding risks and needs of international children.

Question 55: Do you think it would be helpful for KCSIE to include guidance to support schools and colleges to help them keep international students safe?

Yes / No / No opinion / Not sure

Do you have any comments on this issue and our proposal?

General

Question 56: Thinking about the published guidance, rather than the proposed changes, do you think it provides effective advice and support to schools and colleges?

Yes / No / No opinion

If no, please give details of the areas you consider its effectiveness could be improved.



Department
for Education

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