

## **Keeping Children Safe in Education (September 2018)**

### **Briefing Paper on Revised Guidance to Commence on 3<sup>rd</sup> September 2018**

This is statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, and the Non-Maintained Special Schools (England) Regulations 2015. Schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of this guidance children includes everyone under the age of 18.

This guidance replaces Keeping children safe in education September 2016. A table of changes is included at Annex H.

The Child Protection School Liaison Team has been working on local policies, procedures and resources to support the changes, these include:

- CPSLO team handbook
- Training package(s)
- Updated Child Protection Policy
- Updates to relevant documents, such as: CP Checklist and Annual Report to Governing Body

(All these should be available by September 2018)

The new guidance is available at: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

**CPSLO Team (May 2018)**

The following information is a briefing on the key changes:

Area of Change	Key wording from document
<b>Whole of the document</b>	<p>The guidance is amended throughout to make references to acronyms consistent and to correct minor typos e.g. missing punctuation.</p> <p>Throughout the guidance, we have amended references to The National College for Teaching and Leadership (NCTL) to reflect that from 1 April 2018, its functions in respect of the regulation of the teaching profession, including misconduct hearings, will be handled by the newly established Teaching Regulation Agency (TRA). The TRA is an executive agency of the Department for Education. All other NCTL functions are now handled by the Department for Education.</p>
<b>Summary</b>	<p><b>Provided additional context on the use of “must” and “should”.</b></p> <p><i>We use the terms “<b>must</b>” and “<b>should</b>” throughout the guidance. We use the term “must” when the person in question is legally required to do something and “should” when the advice set out should be followed unless there is good reason not to.</i></p>
<b>Part One</b>	
<b>Paragraph 11</b>	<p><b>New paragraph explaining the complete safeguarding picture DSLs and their deputies are likely to have.</b></p> <p><i>The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.</i></p>

<p><b>Paragraph 13</b></p>	<p>Included “behaviour policy” in the list.</p> <p>Included “safeguarding response to children missing education” in the list. Made clear that information about the role of the DSL should include, the identity of the DSL and any deputies.</p> <p><i>All staff should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:</i></p> <ul style="list-style-type: none"> <li>• <i>the child protection policy;</i></li> <li>• <i>the behaviour policy;</i><sup>5</sup></li> <li>• <i>the staff behaviour policy (sometimes called a code of conduct);</i></li> <li>• <i>the safeguarding response to children who go missing from education; and</i></li> <li>• <i>the role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).</i></li> </ul> <p><i>Copies of policies and a copy of Part one of this document should be provided to staff at induction.</i></p>
<p><b>Paragraph 16</b></p>	<p>Removed detailed information from one of the two footnotes and combined into one simple footnote. Feedback suggested the original level of information is too much for Part 1. However, cross-reference to detailed information remains.</p> <p><i>All staff should be aware of the process for making referrals to children’s social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.</i></p>

<p><b>Paragraph 18</b></p>	<p><b>Provided additional information on early help.</b></p> <p><i>Any child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:</i></p> <ul style="list-style-type: none"> <li>• <i>is disabled and has specific additional needs;</i></li> <li>• <i>has special educational needs (whether or not they have a statutory education, health and care plan);</i></li> <li>• <i>is a young carer;</i></li> <li>• <i>is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups;</i></li> <li>• <i>is frequently missing/goes missing from care or from home;</i></li> <li>• <i>is misusing drugs or alcohol themselves;</i></li> <li>• <i>Is at risk of modern slavery, trafficking or exploitation;</i> <i>is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;</i></li> <li>• <i>has returned home to their family from care;</i></li> <li>• <i>is showing early signs of abuse and/or neglect;</i></li> <li>• <i>is at risk of being radicalised or exploited;</i></li> <li>• <i>is a privately fostered child.</i></li> </ul>
<p><b>Paragraph 23</b></p>	<p><b>Paragraph 23 is updated to reflect concerns about a child’s welfare should be acted upon immediately.</b></p> <p><i>If staff have <b>any concerns</b> about a child’s welfare, they should act on them immediately. See page 13 for a flow chart setting out the process for staff when they have concerns about a child.</i></p>

<p><b>Paragraph 24</b></p>	<p><b>Paragraph 24 is updated to reflect the importance of speaking to the DSL and following the local child protection policy.</b></p> <p><i>If staff have a concern, they should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or deputy).</i></p>
<p><b>Paragraph 25</b></p>	<p><b>Paragraph 25 has been expanded to clarify the options for action when staff have concerns.</b></p> <p><i>Options will then include:</i></p> <ul style="list-style-type: none"> <li>• <i>managing any support for the child internally via the school or college’s own pastoral support processes;</i></li> </ul> <p><i>an early help assessment;<sup>8</sup> or</i></p> <ul style="list-style-type: none"> <li>• <i>a referral for statutory services,<sup>9</sup> for example as the child might be in need, is in need or suffering or likely to suffer harm.</i></li> </ul>
<p><b>Paragraph 27</b></p>	<p><b>Paragraph 27 explains the importance of information sharing.</b></p> <p><i>Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information.</i></p>
<p><b>Paragraph 28</b></p>	<p><b>Paragraph 28 makes clear that generally the DSL takes the lead on early help cases.</b></p> <p><i>If early help is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate.</i></p>

<p><b>Paragraph 31</b></p>	<p><b>Paragraph 31 provides more information on what to expect from the local authority.</b></p> <p><i>The local authority should make a decision, within one working day of a referral being made, about the type of response that is required and should let the referrer know the outcome. This will include determining whether:</i></p> <ul style="list-style-type: none"> <li>• <i>the child requires immediate protection and urgent action is required;</i></li> <li>• <i>whether the child is in need, and should be assessed under section 17;</i></li> <li>• <i>there is reasonable cause to suspect the child is suffering, or likely to suffer, significant harm, and whether enquiries must be made and the child assessed under section 47;</i></li> <li>• <i>any services are required by the child and family and what type of services; and</i></li> <li>• <i>further specialist assessments are required in order to help the local authority to decide what further action to take.</i></li> </ul>
<p><b>Paragraph 35</b></p>	<p><b>Updated paragraph to reflect the fact all staff should raise any FGM related concerns with the DSL (or deputy) and then making the link to the legal requirement on teachers. Also updated footnote to make it easier to read.</b></p> <p><i>Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific <b>legal</b> duty on <b>teachers.11</b> If a <b>teacher</b>, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher <b>must</b> report this to the police. <b>See Annex A</b> for further details.</i></p>
<p><b>Page 13</b></p>	<p><b>Updated table to reflect changes elsewhere in Part 1.</b></p>

<p><b>Paragraph 50</b></p>	<p><b>Updated to reflect sexual violence and sexual harassment.</b></p> <p><i>All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>bullying (including cyberbullying);</i></li> <li>• <i>physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;</i></li> <li>• <i>sexual violence and sexual harassment;</i></li> <li>• <i>sexting (also known as youth produced sexual imagery); and</i></li> <li>• <i>initiation/hazing type violence and rituals.</i></li> </ul>
<p><b>Paragraph 52</b></p>	<p><b>New paragraph to provide information on contextual safeguarding.</b></p> <p><i>Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: <a href="#">Contextual Safeguarding</a>.</i></p>
<p><b>Paragraph 53</b></p>	<p><b>Annex A</b> contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read the annex.</p>

<b>Part 2</b>	
<b>Paragraph 55</b>	<p><b>Updated to make clear the Board level leadership lead should sit at governing body or proprietor level.</b></p> <p><i>Governing bodies and proprietors should have a senior board level (or equivalent) lead to take <b>leadership</b> responsibility for their schools or college’s safeguarding arrangements.</i></p>
<b>Paragraph 57</b>	<p><b>Updated to make clear that all schools and colleges should have their own individual child protection policy. This is important, as it will reflect local circumstances. This does not stop a proprietor of multiple schools from having an overarching child protection policy. We would simply expect that to be built on locally to ensure local procedures and protocols can be reflected.</b></p> <p><b>Moved the old paragraph 49 into this paragraph to bring the child protection information together in one place.</b></p> <p><b>New paragraph to reflect that where reasonably possible schools and colleges should hold more than one emergency contact number for their pupils and students.</b></p> <p><b>Moved the old paragraph 51 into this paragraph to bring the child protection information together in one place.</b></p> <p><i>This should include:</i></p> <ul style="list-style-type: none"> <li>• <i>Individual schools and colleges having an effective child protection policy. 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 Local Safeguarding Children Board (LSCB). It should be updated annually (as a minimum), and be available publicly either via the school or college website or by other means.</i></li> <li>• <i>A staff behaviour policy (sometimes called the code of conduct) which should, amongst other things, include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media.17</i></li> <li>• <i>Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or</i></li> </ul>



	<p><i>exploitation, and to help prevent the risks of their going missing in future</i></p> <ul style="list-style-type: none"> <li><i>. • Where reasonably possible, schools and colleges should hold more than one emergency contact number for each pupil or student. This goes beyond the legal minimum<sup>18</sup> and is good practice to give the school or college additional options to make contact with a responsible adult when a child missing education is also identified as a welfare and/or safeguarding concern.</i></li> <li><i>• Further information on schools' duties regarding children missing education, including information schools must provide to the local authority when removing a child from the school role at standard and non-standard transition points can be found in the department's statutory guidance: children missing education.</i></li> <li><i>• Further information for colleges providing education for a child of compulsory school age can be found in: full-time-enrolment of 14 to 16 year olds in further education and sixth form colleges.</i></li> <li><i>• General information and advice for schools and colleges can be found in the Government's missing children and adults strategy.</i></li> </ul>
<p><b>Paragraph 61</b></p>	<p><b>To be clear the important thing is the designated safeguarding lead is appointed and is from the school or colleges senior leadership team. Who actually appoints them is a matter for the governing body or proprietor.</b></p> <p><i>Governing bodies and proprietors should ensure an appropriate <b>senior member</b> of staff, from the school or college <b>leadership team</b>, is appointed to the role of designated safeguarding lead.</i></p>
<p><b>Paragraph 74</b></p>	<p><b>Reflected the designated safeguarding lead responsibilities with regard to the child protection file. This is already set out in Annex B but it deserves prominence in the main body of the guidance.</b></p> <p><i>Where children leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.</i></p>

<p><b>Paragraph 75</b></p>	<p><b>New paragraph to reflect the fact the DSL should be considering information sharing in advance of transferring the child protection file.</b></p> <p><i>In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.</i></p>
<p><b>Paragraph 80</b></p>	<p><b>Reordered the wording of paragraph 80 to improve readability and have added the word “safety”. This addition is to make clear that “safeguarding” includes “online safety”.</b></p> <p><i>Governing bodies and proprietors should ensure that children are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum.</i></p>
<p><b>Paragraph 85</b></p>	<p><b>Revised this paragraph to clarify that at least one of the persons who conducts an interview has completed safer recruitment training.</b></p> <p><i>The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.<sup>23</sup> Governing bodies of maintained schools may choose appropriate training and may take advice from their LSCB safeguarding in doing so. The training should cover, as a minimum, the content of this guidance.</i></p>

<p><b>Paragraph 90</b></p>	<p><b>Updated to reflect the importance of school and college child protection policies reflecting peer on peer abuse. Updated to cross refer to the new Part 5.</b></p> <p><i>Governing bodies and proprietors should ensure that their child protection policy includes:</i></p> <p><i>procedures to minimise the risk of peer on peer abuse;</i></p> <ul style="list-style-type: none"> <li><i>• how allegations of peer on peer abuse will be recorded, investigated and dealt with;</i></li> <li><i>• clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;</i></li> <li><i>• a clear statement that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”;</i></li> <li><i>• recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and</i></li> <li><i>• the different forms peer on peer abuse can take, such as:</i> <ul style="list-style-type: none"> <li><i>• sexual violence and sexual harassment. Part 5 of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;</i></li> <li><i>• physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;</i></li> <li><i>• sexting (also known as youth produced sexual imagery): the policy should include the school or college’s approach to it. The department provides searching screening and confiscation advice for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has published advice for schools and colleges on responding to sexting incidents; and</i></li> <li><i>• initiation/hazing type violence and rituals.</i></li> </ul> </li> </ul>
<p><b>Paragraph 95</b></p>	<p><b>New paragraph taking into account previously looked after children, highlighting the fact that they remain vulnerable and the importance of agencies working together to safeguard them.</b></p> <p><i>A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with looked after children and previously looked after children, it is important that all agencies work together and prompt action is taken when necessary to safeguard these children, who are a particularly vulnerable group.</i></p>

<p><b>Paragraph 96</b></p>	<p><b>Updated to reflect Children and Social Work Act 2017.</b></p> <p><i>On commencement of sections 4 to 6 of the Children and Social Work Act 2017, designated teachers will also have responsibility for promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales.<sup>29</sup> The designated teacher must have appropriate training and relevant qualifications and experience. In other schools and colleges, an appropriately trained teacher should take the lead.</i></p>
<p><b>Paragraph 97</b></p>	<p><b>Updated to reflect Children and Social Work Act 2017.</b></p> <p><i>Statutory guidance contains further information on the roles and responsibilities of the designated teacher.</i></p>
<p><b>Paragraph 98</b></p>	<p><b>Updated to reflect Children and Social Work Act 2017.</b></p> <p><i>Virtual school heads manage pupil premium plus for looked after children;<sup>32</sup> they receive this funding based on the latest published number of children looked after by the local authority. In maintained schools and academies, the designated teacher should work with the virtual school head to discuss how funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education plan. The designated teacher should also work with the virtual school head to promote the educational achievement of previously looked after children. In other schools and colleges, an appropriately trained teacher should take the lead.</i></p>
<p><b>Paragraph 99</b></p>	<p><b>Updated to reflect Children and Social Work Act 2017.</b></p> <p><i>As with designated teachers, on commencement of sections 4 to 6 of the Children and Social Work Act 2017 virtual school heads will have responsibilities towards children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England or Wales. Their primary role for this group will be the provision of information and advice to relevant parties.</i></p>

<p><b>Paragraph 101</b></p>	<p><b>New paragraph reflecting care leavers.</b></p> <p><i>Local authorities have on-going responsibilities to the young people who cease to be looked after and become care leavers. That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. Designated safeguarding leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver, and should liaise with them as necessary regarding any issues of concern affecting the care leaver.</i></p>
<p><b>Paragraphs 103-105</b></p>	<p><b>New paragraphs reflecting reasonable force.</b></p> <p><i>There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term ‘reasonable force’ covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. ‘Reasonable’ in these circumstances means ‘using no more force than is needed’. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil’s path, or active physical contact such as leading a pupil by the arm out of the classroom.</i></p> <ul style="list-style-type: none"> <li>• <i>Departmental advice for schools is available here.</i></li> <li>• <i>Advice for colleges is available on the AOC website.</i></li> <li>• <i>NOTE: We expect to be able to link the joint DH/DfE Restraint and restrictive intervention advice (for special schools) in the September 3 2018 KCSIE.</i></li> </ul> <p><i>The department believes that the adoption of a ‘no contact’ policy at a school or college can leave staff unable to fully support and protect their pupils and students. It encourages headteachers, principal, governing bodies and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances.</i></p>

	<p><i>When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010<sup>36</sup> in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.<sup>37</sup> By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.</i></p>
<b>Part 3</b>	<b>Safer recruitment</b>
<b>Paragraph 107</b>	<p><b>Revised the wording of this paragraph to make direct reference to prohibitions, directions, sanctions and restrictions.</b></p> <p><i>As outlined in this guidance, the level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required (see paragraphs 118-120), will depend on the role that is being offered and duties involved.</i></p>
<b>Paragraph 110</b>	<p><b>Moved the position of the reference to Annex F within the paragraph to improve readability.</b></p> <p><b>Technical change to wording to explain the term ‘supervision’ in the context of regulated activity.</b></p> <p><i>In a school or college, a <b>supervised</b> volunteer who regularly teaches or looks after children is not in regulated activity. The government has published separate statutory guidance on supervision in relation to regulated activity (see Annex F). When schools and colleges are considering which checks should be undertaken on volunteers, they should have regard to that guidance, together with paragraphs 157-162. However, schools and colleges may choose to carry out an enhanced DBS check, without barred list information, in certain circumstances (see paragraph 159).</i></p>

**Clarified the position on personal care.**

*Regulated activity*

*The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children: scope.*

*Regulated activity includes:*

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;*
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.*

*Work under (a) or (b) is regulated activity only if done regularly.<sup>45</sup> Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:*

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:*
  - personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;<sup>46</sup>*
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.*

<p><b>Paragraph 113</b></p>	<p><b>Inserted a new paragraph recommending that schools contact The Teaching Regulation Agency (TRA) Teacher Services to check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction.</b></p> <p><i>As maintained school governors are only required to have an enhanced criminal record certificate from the DBS, which does not include a barred list check (unless in addition to their governance duties they also engage in regulated activity), we recommend that schools contact The Teaching Regulation Agency (TRA) Teacher Services to check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. The process for contacting the TRA is set out in paragraph 125.</i></p>
<p><b>Paragraphs 118-121</b></p>	<p><b>New heading inserted. Paragraphs in this section have been relocated from elsewhere in document and additional information inserted to bring all information together, and provide clarity about, prohibitions, sanctions and restrictions.</b></p>
<p><b>Paragraph 123</b></p>	<p><b>Added new paragraph to reflect previous GTCE sanctions.</b></p> <p><i>There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).</i></p>
<p><b>Paragraph 125</b></p>	<p><b>New paragraph, which includes text from previous footnote 38 into main body of text to explain the use of the Teacher Services system. New footnote is inserted to explain the Teacher Services system can also be used to verify qualified teacher status (QTS) and the completion of teacher induction and teacher probation periods.</b></p> <p><i>Checks for all prohibitions, sanctions and restrictions described at paragraphs 118-120 can be carried out by logging onto the Secure Access Portal via the <a href="#">Teacher Services' web page</a>. Secure Access is a free service available to all schools and colleges. Registration is required for first time users and can be requested from Teacher Services. Further information about using this system to carry out a range of 'teacher status checks'<sup>54</sup> including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found at <a href="#">GOV.UK</a>.</i></p>



<p><b>Paragraph 126</b></p>	<p><b>New paragraph inserted to explain the circumstances in which section 128 management barring information will be included on a DBS certificate.</b></p> <p><i>A section 128 direction will show on an enhanced DBS check with barred list information, provided that 'children's workforce independent schools' is specified in the parameters for the barred list check.</i></p>
<p><b>Paragraph 128</b></p>	<p><b>Addition to bullet 7 information to advise that the Teacher Services system should be used to verify any award of Qualified Teacher Status and the completion of teacher induction or probation periods.</b>  <i>When appointing new staff, schools and colleges must (subject to paragraph 131):</i></p> <ul style="list-style-type: none"> <li><i>• verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;</i></li> <li><i>• obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);<sup>55 56 57</sup></i></li> <li><i>• obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;</i></li> <li><i>• verify the candidate's mental and physical fitness to carry out their work responsibilities.<sup>58</sup> A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;<sup>59</sup></i></li> <li><i>• verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;</i></li> <li><i>• if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraph 146);</i></li> <li><i>• verify professional qualifications, as appropriate. The Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation; and</i></li> <li><i>• independent schools, including academies and free schools, must check<sup>60</sup> that a person taking up a management position as described at paragraph 121 is not subject to a section 128 direction made by the Secretary of State.</i></li> </ul>

<p><b>Paragraph 129</b></p>	<p><b>Text amended to clarify the duty on schools to confirm that a person appointed to carry out teaching work is not prohibited from doing so, and to cross reference to footnote 39 which confirms requirements for checking teacher prohibitions in colleges. Additional footnote (61) provides the definition of ‘teaching work’ that applies in the context of this paragraph.</b></p> <p><i>Schools must ensure that a candidate to be employed to carry out teaching work 61 is not subject to a prohibition order issued by the Secretary of State (see footnote 39 for college requirements), or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.</i></p>
<p><b>Paragraph 131</b></p>	<p><b>This paragraph is amended to reflect accurately the wording of regulations and to add clarity. There has been no change to policy.</b></p> <p><i>There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person’s appointment, the applicant has worked:</i></p> <p><i>In a school in England in a post:</i></p> <ul style="list-style-type: none"> <li><i>• which brought the person regularly into contact with children or young persons; or</i></li> <li><i>• to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or</i></li> <li><i>• in an institution within the further education sector (see footnote 15) in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons.</i></li> </ul> <p><i>For a college there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person’s appointment, the applicant has worked in:</i></p> <ul style="list-style-type: none"> <li><i>• a school in England in a position which brought him regularly into contact with persons aged under 18; or</i></li> <li><i>• another institution within the further education sector in England, or in a 16 to 19 Academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.</i></li> </ul>

	<i>All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. Schools or colleges may also choose to request an enhanced DBS certificate.</i>
<b>Page 38</b>	<b>A revised flowchart has been inserted to make the information about checks for contractors consistent with the information contained in the body of the guidance.</b>
<b>Paragraph 134-137</b>	<p><b>Provided further context about the information schools should consider when seeking and obtaining references. A link to the Advisory, Conciliation and Arbitration Service (ACAS) website has been added to signpost to additional information about references.</b></p> <p><b>Amended to clarify that where any information about past disciplinary action or allegations is disclosed it should be considered as part of the suitability assessment.</b></p> <p><i>Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete. References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.</i></p> <p><i>The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate. Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. Employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are received employers should ensure they originate from a legitimate source.</i></p> <p><i>On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.</i></p> <p><i>Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred</i></p>

	<p><i>to previously). Further help and advice can be found on the Advisory, Conciliation and Arbitration Service (ACAS) website.</i></p>
<p><b>Paragraphs 138-145</b></p>	<p><b>Clarified the minimum information that must be recorded on the SCR. Additional advice has been added to: clarify the option to use the SCR to record other non-statutory information; the requirements for multi-academy trusts; that in the case of an academy, a proprietor means the members and trustees of the academy trust; and the format of the SCR.</b></p> <p><b>Amended to cross reference paragraph 148, which provides additional detail about recording supply staff checks.</b></p> <p><i>Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations (listed in paragraph 144) as the register. The single central record must cover the following people:</i></p> <ul style="list-style-type: none"> <li><i>• all staff, including teacher trainees on salaried routes, and supply staff (see paragraph 148) who work at the school. In colleges, this means those providing education to children; and for independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.</i></li> </ul> <p><i>The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:</i></p> <ul style="list-style-type: none"> <li><i>• an identity check. Identification checking guidelines can be found on the GOV.UK website;</i></li> <li><i>• a barred list check;</i></li> <li><i>• an enhanced DBS check/certificate;</i></li> <li><i>• a prohibition from teaching check<sup>64</sup>;</i></li> <li><i>• a section 128 check (for management positions as set out in paragraph 120-121 for independent schools (including academies and free schools));</i></li> <li><i>• further checks on people who have lived or worked outside the UK (see paragraphs 146-147); this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph 124;</i></li> <li><i>• a check of professional qualifications, where required; and</i></li> <li><i>• a check to establish the person’s right to work in the United Kingdom.</i></li> </ul> <p><i>In addition, colleges must record whether the person’s position involves ‘relevant activity’, i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18.</i></p>

*For supply staff, schools and colleges must also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.*

*Whilst there is no statutory duty to include on the single central record details of any other checks, schools are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. Schools may also wish to record the name of the person who carried out each check.*

*There is no requirement for multi-academy trusts (MATs) to have separate single central records, but schools should ensure the record is securely stored and easily accessible to those who need to see it, including Ofsted inspectors.*

*The single central record can be kept in paper or electronic form.*

*Details of the records that must be kept are set out in the following Regulations:*

- for maintained schools - Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);*
- for independent schools - (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014;*
- for colleges - Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;66 and*
- for non-maintained special schools - Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.*

*Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirements of the Data Protection Act, when a school or college chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.*

	<i>Further information on handling DBS certificate information can be found on GOV.UK.</i>
<b>Paragraph 151</b>	<p><b>In respect of fee-funded ITT trainees, clarified that the school or college should obtain written confirmation from the provider that it (the provider) has carried out all pre-appointment checks that the school or college would otherwise be required to perform.</b></p> <p><b>Amended to clarify the paragraph applies equally to colleges.</b></p> <p><i>Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.</i></p>
<b>Paragraph 152</b>	<p><b>Amended to clarify when colleges are required to carry out suitability checks where a member of staff moves position within the establishment.</b></p> <p><i>If a school or college has concerns about an existing staff member's suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out. For colleges, an individual moving from a position that did not involve the provision of education to one that does must be treated as if that individual were a new member of staff and all required pre-appointment checks must be carried out (see paragraph 128). Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.</i></p>
<b>Paragraph 153</b>	<p><b>Added paragraph number as this section of text not previously shown as a numbered paragraph. Also revises the original text, providing clarification that ensures schools are clear that they must refer to the DBS when an individual is suspended or moved out of regulated activity to another post, if they meet the 'harm' criteria.</b></p> <p><i>Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:</i></p>

	<ul style="list-style-type: none"> <li>• <i>the harm test is satisfied in respect of that individual;</i></li> <li>• <i>the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and</i></li> <li>• <i>the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.</i></li> </ul>
<b>Paragraph 159</b>	<b>Provided a link that signposts to the DBS workforce guides. This is to assist schools and colleges to identify whether the position they are recruiting into fits the ‘child workforce’ criteria, used when completing the “Position Applied For” field on a DBS application form and which allows a children’s barred list check to be requested.</b>
<b>Paragraph 160</b>	<p><b>This paragraph has been revised and footnote added to remind schools to record risk assessments.</b></p> <p><i>Details of the risk assessment should be recorded.</i></p>
<b>Paragraph 161</b>	<p><b>Revised text to signpost to guidance to be used by schools and colleges when determining when a volunteer should be supervised.</b></p> <p><i>It is for schools and colleges to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision schools must have regard to the statutory guidance issued by the Secretary of State (replicated at Annex F). This guidance requires that, for a person to be considered supervised, the supervision must be:</i></p> <ul style="list-style-type: none"> <li>• <i>by a person who is in regulated activity;</i></li> <li>• <i>regular and day to day; and</i></li> <li>• <i>“reasonable in all the circumstances to ensure the protection of children.”</i></li> </ul>

<p><b>Paragraph 164</b></p>	<p><b>To clarify in respect of colleges and schools, other than maintained schools, when DBS certificates can/should be obtained for governors.</b></p> <p><i>Governing bodies can request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS certificate (which will include a barred list check) should only be requested if the governor will be engaging in regulated activity. This applies equally to volunteer governors who will be engaging in regulated activity and should be treated on the same basis as other volunteers in this respect.</i></p>
<p><b>Paragraph 168</b></p>	<p><b>Provided clarification for academy trusts about the requirement to carry out checks for section 128 directions, which prohibit or restrict a person from taking part in the management of an independent school (including academies and free schools) and DBS checks.</b></p> <p><i>In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require DBS checks on all delegates and all members of such committees. Academy trusts must also check that members are not barred from taking part in the management of the school as a result of the section 128 direction (see paragraph 120).</i></p>
<p><b>Paragraph 174</b></p>	<p><b>New information clarifying the responsibility on schools when working with alternative provision providers.</b></p> <p><i>Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Schools should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.</i></p>



<p><b>Paragraphs 181-182</b></p>	<p><b>Paragraphs moved from Annex E and amended to clarify that staff and volunteers should remain alert to, and, when it comes to their attention report, to the local authority, information which suggests a child is being privately fostered.</b></p> <p><i>Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children.</i></p> <p><i>The school or college should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.</i></p>
<p><b>Part 4</b></p>	<p><b>Allegations of abuse made against teachers and other staff</b></p>
<p><b>Paragraph 184</b></p>	<p><b>An additional footnote 90 has been added to provide a link to Disclosure and Barring Service website explanation of the ‘harm test’.</b></p> <p><b>The 3rd bullet in this paragraph is amended to replace ‘would’ with ‘may’, providing consistency with the terminology within ‘Working Together to Safeguard Children’ statutory guidance</b></p> <p><b>Added ‘volunteers’ to this paragraph to make clear this part of the guidance is also applicable to them.</b></p>
<p><b>Paragraph 189</b></p>	<p><b>Term unfounded moved back in to main text.</b></p> <p><i>Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.</i></p>
<p><b>Paragraph 202</b></p>	<p><b>This revision clarifies that reporting restrictions apply only to teachers in schools.</b></p>

<p><b>Paragraph 204</b></p>	<p><b>Updated link.</b></p> <p><i>In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.)</i></p>
<p><b>Paragraph 212</b></p>	<p><b>This paragraph now provides signposts to paragraphs that provide information about references.</b></p> <p><i>Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. See paragraphs 134-137 for further information on references.</i></p>
<p><b>Paragraph 219</b></p>	<p><b>Clarifying the duties of sixth form colleges where they are made aware that an interim teacher prohibition order has been imposed on an individual who is working at the establishment.</b></p> <p><i>In cases where the school or sixth form college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school or sixth form college, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.</i></p>
<p><b>Paragraph 229</b></p>	<p><b>Amended to clarify the paragraph applies equally to sixth form colleges.</b></p> <p><i>If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required<sup>95</sup>; and, in the case of a member of teaching staff at a school or sixth form college, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.</i></p>

<b>Part 5</b>	<b>Child on child sexual violence and sexual harassment</b>
<b>Paragraph 235-257</b>	<b>New Part 5 to provide guidance for schools and colleges on how they should respond to reports of child on child sexual violence and sexual harassment.</b>
<b>Annex A</b>	
	<p><b>Included new introduction</b>  <b>Included table of contents</b></p> <ul style="list-style-type: none"> <li>• <b>Children Missing Education: Removed child missing education advice that duplicated departmental advice and focused on what staff should be considering when a child is missing from education.</b></li> <li>• <b>Children and the court system- new information</b></li> <li>• <b>Children with family members in prison- new information</b></li> <li>• <b>County Lines- new information</b></li> <li>• <b>Domestic abuse- new information</b></li> <li>• <b>Homelessness- new information</b></li> <li>• <b>HBV- additional context</b></li> <li>• <b>Preventing radicalisation- redrafted to focus on what staff should be doing and considering rather than the more general school or college response which is covered in other guidance</b></li> <li>• <b>Peer on peer abuse- new information</b></li> <li>• <b>Sexual violence and sexual harassment- new information</b></li> </ul> <p><b>Links to additional advice and support moved from Part 1 and updated with new links</b></p>
<b>Annex B</b>	
	<b>New footnote 111 includes considerations for sole proprietors to ensure their designated safeguarding lead is a suitable person for the role.</b>

	<p>Added online safety and SEND as considerations when training designated safeguarding leads. This reflects the importance of these two areas as set out in Part 2 of the guidance.  Also bringing deputy DSL in line with DSL and setting out that the role should be explicit in any job description.  Child protection file updated to reflect paragraph 74-75</p>
<b>Annex C</b>	
	<p>Updated to provide more information and links to additional support included.</p>
<b>Annex D</b>	
	<p>Added reference to the Visits to Children in Long-term Residential Care Regulation 2011, as it applies to schools and colleges.</p>
<b>Annex E – Host Families</b>	
	<p>In response to stakeholder feedback, revised this Annex to provide clarity on obtaining DBS checks for UK host families who provide homestay to pupils during exchange visits.</p>
<b>Annex G</b>	
	<p>Updated footnote to reflect DBS now provide this service and not Disclosure Scotland.</p>

