

Briefing on updated statutory guidance for schools in England - Keeping children safe in education (2015)

September 2015

The Department for Education has published an updated version of the statutory guidance [Keeping children safe in education](#) (2015), which revises and replaces the 2014 guidance. It sets out what schools and colleges in England must do to safeguard and promote the welfare of children and young people under the age of 18.

This guidance is for:

- headteachers, teachers and education staff
- governing bodies and proprietors.

The guidance is statutory and applies to all schools and colleges. Schools are defined as “all schools whether maintained, non-maintained or independent schools, including academies and free schools, alternative provision academies and pupil referral units. ‘School’ includes maintained nursery schools.” The definition of school has been updated to include maintained nursery schools.

Keeping children safe in education 2015 is not a major update, but it includes new guidance or legislation introduced since the 2014 version including preventing radicalisation under the Counter Terrorism and Security Act 2015.

This briefing is based on a comparison by the NSPCC Information Service between the 2014 and 2015 versions of the guidance. Below we pull out the paragraphs where changes have been made from the 2014 guidance.

Other updated key guidance and advice

- HM Government (2015) Working together to safeguard children
- HM Government (2015) What to do if you’re worried a child is being abused
- HM Government (2015) Information sharing
- HM Government (2015) Disqualification under the Childcare Act 2006

The Department for Education has also published Part One of the main guidance as a standalone document: [Keeping children safe in education: information for all](#)

[school and college staff](#). Governing bodies, proprietors of independent schools and management committees are asked to ensure that all school and college staff have read at least this version of the updated guidance.

The new Working together to safeguard children (2015) outlines how the handling of allegations against staff has altered with the term “Local Authority Designated Officer” (LADO) being replaced by simply “designated officer”. **Keeping children safe in education** (2015) now therefore refers to “designated officers”.

Safeguarding information for all staff: updates

What school and college staff should look out for

15. Clarification of when staff members should speak directly to children’s social care. “Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure they should always speak to the designated safeguarding lead. In exceptional circumstances, such as in emergency or a genuine concern that appropriate action has not been taken, staff members can speak directly to children’s social care.”

What school and college staff should do if they have concerns about another staff member

21. Updated to include guidance on what school and college staff should do if there are concerns about another staff member. “If staff members have concerns about another staff member then this should be referred to the headteacher or principal. Where there are concerns about the headteacher or principal this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate.”

In the 2014 guidance where staff had concerns about another staff member it could be reported to the Designated Safeguarding Lead. In the 2015 edition, reports must be made only to the headteacher.

What school or college staff should do if they have concerns about safeguarding practices within the school or college

22. Updated to include guidance on what school or college staff should do if they have concerns about safeguarding practices within the school or college including whistle blowing procedures. “Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college’s safeguarding regime. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school or college’s management team.”

23. “Where a staff member feels unable to raise the issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them.”

Page 10 includes a diagram to show what action should be taken and who should take it where there are concerns about a child.

Specific safeguarding issues

Female genital mutilation (FGM)

A mandatory reporting duty for teachers commences in October 2015. This means that if teachers discover that an act of FGM appears to have been carried out, they must report this to the Police. See page 15.

Further information on preventing radicalisation

Updated to include a paragraph on preventing radicalisation. The Counter-Terrorism and Security Act 2015 “places a duty on specified authorities, including local authorities and childcare, education and other children’s services providers ... to have due regard to the need to prevent people from being drawn into terrorism (“the Prevent duty”). ... The Counter-Terrorism and Security Act 2015 also places a duty on local authorities to ensure Channel panels are in place. ... Panels will assess the extent to which identified individuals are vulnerable to being drawn into terrorism... Schools and colleges ... are listed in the Act as partners of the panel”.

The relevant provisions of the Act came into force on 12 April 2015. The Prevent Duty came into force on 1 July 2015 and summarises the requirements on schools in terms of four general themes: risk assessment, working in partnership, staff training and IT policies.
See page 15-17.

Part two: The management of safeguarding

Inter-agency working

31. Updated to clarify that inter-agency working operates within the statutory guidance. “This includes providing a co-ordinated offer of early help when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools and colleges should allow access for children’s social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.”

32. Updated to emphasise that Governing bodies and proprietors of all schools and colleges should ensure that their safeguarding arrangements “take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the Local Safeguarding Children Board (LSCB).”

33. Updated to clarify the process in the event of allegations of abuse being made against the headteacher, the principal of a college or proprietor or member of governing body of an independent school. Also clarifies what to do when the headteacher is also the sole proprietor of an independent school.

Safeguarding policies

34. Updated to clarify staff/pupil relationships and communications including the use of social media in the staff code of conduct. “Governing bodies and proprietors should ensure there is an effective child protection policy in place together with a staff behaviour policy ... which should amongst other things include staff/pupil relationships and communications including the use of social media.”

Safer recruitment

42. Updated to include in the main body of the text guidance on training for safer recruitment. “Schools may choose appropriate training and may take advice from their LSCB in doing so. The training should cover as a minimum the content of **Keeping Children Safe in Education.**”

Allegations of abuse made against teachers and other staff

43. Emphasises that in relation to allegations of abuse made against teachers and other staff that “there must also be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. This is a legal duty and failure to refer when the criteria are met is a criminal offence.”

Looked after children

47- 48. Clarifies that proprietors of academy schools also have the responsibility “to appoint a designated teacher to promote the educational achievement of children who are looked after” and “to ensure that staff have the skills, knowledge and understanding necessary to keeping looked after children safe”.

Part three: Safer recruitment

Recruitment, selection and pre-employment vetting

52. Sets out the vetting and barring checks and summarises regulated activity. “For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. A person will be considered to be engaging in regulated activity if as a result of their work they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children;
- engage in intimate or personal care or overnight activity, even if this happens only once. “

A more detailed description of regulated activity is provided on page 21 of the guidance.

53.”For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

This would include contractors that would have the opportunity for contact with children and who work under a temporary or occasional contract.”

54. Clarifies that in a school or college, “a supervised volunteer who regularly teaches or looks after children is not in regulated activity.”

55. Updated to require “anyone who is appointed to carry out teaching work to have an additional check to ensure they are not prohibited from teaching.” This is in addition to obtaining a DBS certificate as described in the guidance.

Page 26 of the guidance has a flow chart describing the different checks required for different roles, for example, new staff, new volunteers or trainee teachers.

59. New addition to the guidance relating to disqualification by association. “For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.” The statutory guidance published in February 2015, “Disqualification under the Childcare Act 2006”, covers this in more detail.

DBS Update Service

68. Clarifies how the DBS Update Service can be used.

Before using the Update Service schools or colleges must

- a) obtain consent from the applicant to do so;
- b) confirm the certificate matches the individual’s identity; and
- c) examine the original certificate to ensure that it is for the appropriate workforce

The school or college can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

P26 Flowchart of Disclosure and Barring Service criminal record checks and barred list checks.

Trainee teachers

78. Clarifies the position for getting an enhanced DBS certificate for trainee teachers and the responsibility of the training provider to carry out the necessary checks “As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) must be obtained.”

79.” Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.”

Referral to DBS of existing staff who have harmed or pose threat of harm

81. Clarifies referral to DBS of existing staff - “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 the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.”

Volunteers

84-86. Updated to clarify that the school or college “should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have

already had a DBS check (which includes barred list information). However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns. ... Schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis.”

Contractors

91- 92. Updated to clarify DBS checking procedure for contractors. “Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.” Highlights that in no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity.

References and further reading

HM Government (2015) Keeping Children Safe in Education: statutory guidance for schools and colleges. London: Department for Education (DfE).

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>



Contact the NSPCC Information Service with any questions about child protection or related topics:

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