Keeping children safe in education 2021

Briefing on key updates to statutory guidance for schools in England

July 2021

Background to the statutory guidance

The Department for Education (DfE) has published an updated version of the statutory safeguarding and child protection guidance for schools in England, Keeping children safe in education (DfE, 2021a). This guidance replaces Keeping children safe in education 2020 and comes into force on 1 September 2021.

The guidance 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:

- governing bodies of maintained schools, nursery schools and colleges
- proprietors of independent schools and non-maintained special schools
- management committees of pupil referral units (PRUs)
- senior leadership teams.

This briefing summarises changes to Keeping children safe in education introduced in July 2021.

For more information about previous updates to this guidance, see our CASPAR briefing:

> ❯ **Keeping children safe in education – updates from 2019 to January 2021: CASPAR briefing**

Part one: safeguarding information for all staff

Child protection policies

Guidance has been updated to clarify that a school or college's child protection policy should include a policy and procedures for dealing with peer-on-peer abuse, and all staff should be aware of this.

Supporting victims of abuse

A new paragraph has been added emphasising that all staff should be able to reassure victims of abuse that they are being taken seriously and will be supported. Children and young people should never be made to feel ashamed or that they are creating a problem by reporting abuse, sexual violence or sexual harassment.

Online safety

The guidance has been updated to reflect the latest guidance on sharing nude and semi-nude images and videos published by the UK Council for Internet Safety (UKCIS) (UKCIS, 2020).

Child criminal and sexual exploitation

Guidance has been added to support all staff in understanding and recognising child criminal and sexual exploitation. The guidance highlights that the vulnerability of children involved in criminal exploitation is not always recognised by adults and professionals and that the indicators of exploitation are different for boys and girls.

It also emphasises that child sexual exploitation is a form of sexual abuse and can be a one-off occurrence or might happen over time. All children and young people, including 16- and 17-year-olds, can experience child sexual exploitation.

Mental health

Links have been added to resources to help staff support children and young people's mental health, including DfE guidance on mental health and behaviour in schools (DfE, 2018).

Peer-on-peer abuse

Guidance on peer-on-peer abuse for all staff has been expanded, emphasising that all staff should understand the importance of challenging inappropriate behaviour between children and young people. Staff should also recognise that downplaying

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certain behaviours as "just banter" or "boys being boys" can lead to a culture of unacceptable behaviour, an unsafe environment for children and young people and a culture that normalises abuse.

Staff should understand that even if there are no reports of peer-on-peer abuse in their school, this doesn't mean it is not happening. If staff have any concerns about peer-on-peer abuse, they should speak to the designated safeguarding lead (DSL) or a deputy.

Serious violence

New information about risk factors that might increase the likelihood of involvement in serious violence has been added. Risk factors include:

- being male
- having been frequently absent or permanently excluded from school
- having experienced child maltreatment
- having been involved in offending, such as theft or robbery.

Social care assessments

A new paragraph has been added highlighting that schools and colleges should provide as much information as possible as part of the referral process to help social care assessments consider contexts outside the home and enable a contextual approach to harm.

Record keeping

Guidance has been added making it clear what information child protection records should include. Records should include:

- a clear and comprehensive summary of the concern
- details of how the concern was followed up and resolved
- a note of any action taken, decisions reached and the outcome.

Part two: the management of safeguarding

Whole school and college approach to safeguarding

A new section has been added making clear the importance of a whole school and college approach to safeguarding. It states that safeguarding and child protection should be at the forefront and underpin all relevant aspects of process and policy development in schools and colleges.

Where there is a safeguarding concern, children's wishes and feelings should be taken into account when determining what action to take and what services to provide. Children and young people should know that their concerns will be treated seriously and they can safely express their views.

Systems for reporting abuse should be well promoted, easily understood and easily accessible for children.

Safeguarding and child protection policies

Additional information has been added on what should be covered in schools' and colleges' child protection policies, including:

- their approach to peer-on-peer abuse
- reporting systems
- procedures
- multi-agency safeguarding arrangements
- serious violence.

Information sharing

Clarification about the powers schools and colleges have to share, hold and use information to identify and tackle abuse and neglect and promote children's welfare has been included.

Safeguarding training

New guidance has been added stating the importance of online safety training for school and college staff. Training on online safety should be integrated with the whole school or college approach to safeguarding.

Information has also been added making clear the requirement to teach children and young people about safeguarding, including online safety.

Teaching safeguarding

Links have been added to resources to help teachers teach children and young people about safeguarding, including relationships education and online safety.

Online safety

Additional guidance has been added to help schools and colleges protect children and young people and educate them on online safety. There should be a whole school or college approach to online safety, making sure it is reflected in all relevant policies, the curriculum, teacher training, the role of the DSL and parental engagement.

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Schools' and colleges' approach to online safety should be reflected in their child protection policy and there should be a clear policy on the use of mobile and smart technology. This policy should cover how schools and colleges will manage incidents of sexual harassment between children and young people via mobile or smart technology.

If children are being asked to learn online at home, for example because of the coronavirus pandemic, schools and colleges should follow advice from the DfE on safeguarding and remote education (DfE, 2021b).

Schools and colleges should have appropriate filters and monitoring systems in place to limit children's exposure to online risks. Settings should also ensure they have appropriate security procedures in place to safeguard their systems.

Schools and colleges should review their online safety policies and information annually to keep up with developments in technology, risks and harms.

Peer-on-peer abuse

Further guidance on what information about peer-on-peer abuse should be included in schools' and colleges' child protection policies has been added, including:

- a statement making it clear that there is a zero-tolerance approach to peer-on-peer abuse
- the systems in place for children to report abuse
- a recognition that even if there are no reported cases of peer-on-peer abuse, this doesn't mean it's not happening within the school or college.

Use of school or college premises for non-school/college activities

A section has been added to the guidance setting out what governing bodies and proprietors should do to ensure children are kept safe if the school or college premises are being used for other activities.

If services or activities are provided by the school or college, under direct supervision from staff, their arrangements for child protection will apply. If another organisation is providing services or activities on the site, the governing body or proprietor should ensure that appropriate safeguarding and child protection policies and procedures are in place.

Alternative provision

New paragraphs have been added making clear that governing bodies and proprietors of alternative provision should be aware of the complex needs of children and young people and the additional risks they might be vulnerable to. The DfE has published

two pieces of statutory guidance which commissioners of alternative provision should follow (DfE 2016; 2013).

Elective home education

A new section has been included, which highlights that although many children have positive experiences of home education, for some children it means they are less visible to services that are there to keep them safe and supported.

If a parent or carer expresses their intention to educate a child at home, the local authority, school and other key professionals should work together to coordinate a meeting with the parent or carer. This is particularly important if a child has special educational needs and disabilities (SEND), is vulnerable or has a social worker.

Schools should be familiar with guidance for local authorities on elective home education (DfE, 2019).

Mental health support

Additional information has been added about the DfE's programme to help schools prevent and tackle bullying and support pupils whose mental health problems manifest themselves in behaviour. The DfE has published advice and guidance for schools on these topics, which might also be helpful for colleges (DfE, 2018; 2017).

Schools and colleges may choose to appoint a senior mental health lead, though this is not mandatory. The senior mental health lead should be supported by the senior leadership team and could be the pastoral lead, special educational needs coordinator (SENCO) or DSL. From September 2021, some schools and colleges will be able to access training for senior mental health leads.

Part three: safer recruitment

Post-16 education

Information has been included about the **Education and Training (Welfare of Children) Act 2021**, which extends safeguarding provisions to providers of post-16 education. Some safer recruitment regulations don't apply to these providers but recruitment checks are an essential part of safeguarding and providers should (rather than must) carry out pre-appointment checks.

Pre-appointment checks

Further information about verifying a candidate's identity using their birth certificate has been added.

Barred list checks

Information has been added to the guidance explaining when separate barred list checks should be carried out. These checks must only be carried out:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced certificate with barred list information from the Disclosure and Barring Service (DBS)
- where a person has worked in a school or college in a role that brought them into regular contact with children and young people, and this role ended not more than three months prior to their new appointment.

Section 128 directions

Additional information has been added to clarify when section 128 checks should be made. If someone is not eligible for a children's barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using the Teaching Regulation Agency's (TRA) employer access service.

The TRA's employer access service is free to use and can be used to make prohibition, direction, restriction and children's barred list checks.

Part four: allegations made against/concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

In the updated version of the guidance, this part has been separated into two sections. The first section covers allegations or concerns that meet the threshold for harm and remains largely unchanged from the previous guidance. The second section is new and covers allegations or concerns that don't meet the threshold.

Concerns that do not meet the harm threshold

Governing bodies and proprietors should have policies and processes in place to deal with low-level concerns and allegations that don't meet the harm threshold. Staff codes of conduct and safeguarding policies should explain what a low-level concern is and the importance of sharing concerns.

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A low-level concern is any concern that an adult has acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- does not meet the allegations threshold or is not considered serious enough to refer to the local authority designated officer (LADO).

Examples of low-level concerns could include:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child one-to-one in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

To help prevent low-level concerns, staff codes of conduct, behaviour policies and safeguarding policies and procedures should be implemented effectively and appropriate action should be taken to deal with any concern.

Sharing concerns

Low-level concerns should be reported to the DSL or a deputy. If there are concerns about a DSL, these should be reported to the headteacher or principal.

Schools and colleges should create an environment where staff are encouraged and feel confident to self-refer if they have found themselves in a situation which might be misinterpreted or they have behaved in a way that falls below professional standards.

Recording concerns

The DSL or deputy should record all low-level concerns. Records should include the details of the concern, how the concern arose and the actions taken.

Records should be reviewed so that patterns of concerning behaviour can be recognised and appropriate action can be taken.

Part five: child on child sexual violence and harassment

Responding to a report

A new paragraph has been added highlighting that staff should recognise that children and young people might not find it easy to talk about their abuse verbally. Staff

should be aware of signs and behaviours that might indicate abuse. Staff might also overhear conversations that suggest a child has been harmed or might receive a report from a friend of the child.

Managing a report

Information highlighting the importance of regularly reviewing actions to look for patterns of concerning behaviour has been added.

Unsubstantiated, unfounded, false or malicious reports

A new section has been added on responding to allegations which are found to be unsubstantiated, unfounded, false or malicious. In these cases, the DSL should consider whether the child or person who has made the allegation is in need of support or may have been abused by someone else.

Safeguarding and supporting the victim

A reminder for staff that they should be aware of the possible health needs that might arise following sexual assault, such as physical, mental and sexual health problems and unwanted pregnancy has been included.

Safeguarding and supporting children and young people who have displayed harmful sexual behaviour

Links to a range of further resources, information and guidance have been added to help school staff manage and deal with harmful sexual behaviour and support children and young people.

Annexes

A new condensed version of Part one of this guidance has been added. Governing bodies or proprietors can decide if this is more appropriate to share with staff who don't work directly with children.

Further information and resources have been added on the following topics:

- child criminal exploitation
- child sexual exploitation
- modern slavery and the National referral mechanism
- county lines
- cybercrime

- peer-on-peer abuse
- preventing radicalisation
- managing child protection files
- online safety.

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