

# Children and Young People Overview and Scrutiny Committee

BRIEFING NOTE – No. #/22

Date: 3 March 2022

Briefing paper to: All Members of the Children and Young People Overview and Scrutiny Committee

Purpose: To provide a briefing on the proposed changes to Keeping Children Safe in Education guidance 2022

## Proposed changes to Keeping Children Safe In Education

### 1 Background

1.1 The Department for Education (DfE) released a draft version of Keeping Children Safe in Education (KCSIE) 2022 on the 11 January 2022 for consultation. A full copy of the draft guidance is available [here](#). Views can be provided via the online survey, which closed on 11 March 2022 and is available [here](#).

1.2 The table below, refers to the most significant proposed changes to Keeping Children Safe in Education (KCSIE) 2022. There are also several other changes and amendments to wording, or emphasis, which give greater clarity and information to staff in schools and colleges. Following the table is a further summary of these additional, proposed, changes. The full document can be found [here](#).

1.3 Once the proposals are finalised the Education Safeguarding Officer will amend the model Child Protection and Safeguarding Policy for schools. This will be disseminated to schools and published on the MSCP website. Training on updates will be offered to DSLs via the DSL meetings and to Heads and Principals via their meeting structure. A summary of changes will be circulated to all relevant school staff via the DSL Newsletter.

### 2 Key changes

Key change	Rationale	Suggested consultation response	Implications for practice if change adopted
Part One: <a href="#">Safeguarding information for all staff</a>	Previously domestic abuse	Since the last update was	Greater awareness

<p>Greater detail and emphasis on the impact of domestic abuse on children  <b>"Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. Children can be victims of domestic abuse. They may see, hear or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, wellbeing, development, and ability to learn."</b></p>	<p>(DA) has been listed as an area of concern for schools to be aware of. The impact of DA on a child's neurological development, health, well-being and their ability to learn, is as great as all other types of abuse. It is therefore essential that this is recognised and brought to the attention of school staff.</p>	<p>written, the Domestic Abuse Act has come into force which has changed the legal status of children involved in DA cases and recognises them as victims in their own right. Therefore, the wording could be amended to reflect this and to say that children involved in DA should receive support in school to help keep them safe.</p>	<p>should lead to greater protection of children. This could also lead to an increase in referrals to CSC from schools – schools need clear guidance with regard to thresholds. May result in increased Operation Encompass referrals of DA incidents, to CSC, from the police.</p>
<p><u>Part Two: The management of safeguarding</u>  All Governors to receive safeguarding training.  <b>"Governing bodies and proprietors should ensure that all governors and trustees receive appropriate safeguarding and child protection training at induction. The training should be regularly updated."</b></p>	<p>It is a requirement that Governing Bodies (GBs) ensure their schools/trusts have robust, all encompassing, safeguarding procedures, to ensure their students are protected from harm</p>	<p>Ideally the guidance should specify that, whilst Governors may attend whole school training, this is operational, they must also attend safeguarding training that makes clear their strategic responsibilities. It would be helpful to specify how often training should be updated, rather than using an unspecific term such as 'regularly'.</p>	<p>Given GB's statutory responsibilities to oversee safeguarding arrangements, this should already be a part of school/trust governor training and therefore should not impose greater workload on schools. At an LA level may require a review of the training offered to governors, and the frequency with which it is offered.</p>
<p><u>Part 3 Safer recruitment</u>  Social media checks for job applicants  <b>"As part of the shortlisting process, schools and colleges should consider carrying out an online search (including social media) as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened,</b></p>	<p>This addition, which is non-statutory, should already be a part of good recruitment practice. It allows for the identification of issues or incidents in the public domain that should be</p>	<p>Guidance could be worded more specifically, i.e., to identify what is being checked for. It should identify the potential for discriminatory practice, if not done appropriately Schools need to have a process that reviews online</p>	<p>Provision of guidance for schools and trusts about the development of robust procedures that clearly protect against discrimination. May require support and</p>

<p><b><i>and are publicly available online, which the school or college might want to explore with the applicant at interview."</i></b></p>	<p>explored at interview. In some cases, information gained may indicate that an applicant is not suitable for employment in the role.</p> <p>Schools teach students that employers are likely to do this about them, therefore they should be using the same employment practices.</p> <p>Parents and existing staff are likely to look up new recruits online: schools should be party to any discoverable information before this happens.</p> <p>However: information in the public domain relating to protected characteristics should not be used to inform a decision about whether to interview, as this would be discriminatory</p>	<p>information robustly and fairly.</p>	<p>guidance from HR/Legal.</p>
<p>Appendix B Additional Prevent guidance  <b>Under Preventing Radicalisation on page 142 there is a link to <a href="#">EducateAgainstHate</a> website, which gives guidance on recognising behaviours which may help to identify possible radicalisation.</b></p>	<p>Gives additional detail and information to support staff identifying radicalisation</p>	<p>The list is broad and would be more useful if it clearly identified warning signs and gave specifics of words and phrases to look out for.</p>	<p>Additional training for staff – supported by Kent &amp; Medway Prevent Education Officer (PEO)</p>
<p><u>Throughout the document:</u>  The term peer-on peer abuse replaced with child-on child abuse</p>	<p>Makes it clear who is being referring to, and removes confusion that it</p>	<p>None</p>	<p>Training for school staff</p>

	could also include adults.		
<p><u>Part 5: Child-on-Child Sexual Violence and Sexual Harassment</u>  Content from the Department for Education document <a href="#">Sexual violence and sexual harassment between children in schools and colleges</a>, last updated in September 2021, has also been moved into part five of the KCSIE document: "Child-on-child sexual violence and sexual harassment".</p>	<p>This has now become part of statutory guidance rather than being advice to governors, SLTs and DSLs. This highlights the emphasis on the issue and makes accessing the information easily available to all</p>	None	Training for school staff
<p><u>Part four: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors</u>  <b>Schools and colleges should ensure they have a clear and easy to understand process for low-level concerns to be reported. Schools and colleges are free to decide how reports are made and who they are reported to (para 427).</b></p>	<p>This amendment aims to add clarity to previous guidance on reporting and recording low level concerns about staff.</p>	<p>Schools and colleges should continue to <i>discuss</i> all concerns that may have a safeguarding element with the LADO.</p>	<p>LA to update its LADO guidance if necessary, to ensure clarity for schools and to ensure that an open reporting culture is maintained</p>

### 3 Summary of other proposed changes

3.1 **Part One – Safeguarding information for staff** - Proposed addition: all staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected – or they may not recognise their experiences as harmful.

#### 3.2 **Part Two – The management of safeguarding**

A number of paragraphs have been added to provide schools and colleges with information regarding the Human Rights Act 1998 (HRA), the Equality Act 2010 and the Public Sector Equality Duty. The new sections make the link between these legal duties and safeguarding (paras 82–93).

The importance that governors and proprietors properly support the DSL role has been given prominence by adding it to the main body of the guidance and includes an expectation that they should read the full DSL job description in Annex C.

Governing boards and proprietors should ensure the designated safeguarding lead has the appropriate status and authority within the school or college to carry out the duties of the post. The role carries a significant level of responsibility and

the post holder should be given the additional time, funding, training, resources and support needed to carry out the role effectively (para 103).

**3.3 Part Three: Safer Recruitment** - Schools and colleges should only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information (para 209).

**3.4 Part Four: Allegations made against/concerns raised in relation to teachers, other staff, volunteers and contractors** - It is made clear that learning lessons applies to all cases of handling allegations and not just to those which are concluded and found to be substantiated (para 414–415).

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