



Department  
for Education

# Keeping children safe in education 2023

**Statutory guidance for schools and  
colleges**

**The 2022 version of the guidance is currently in force.  
The 2023 version will come into force on 1 September  
2023.**

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## Summary

### What is the status of this guidance

This is statutory guidance from the Department for Education ('the Department') issued under Section 175 of the Education Act 2002 (as amended), the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015 and the Apprenticeships, Skills, Children and Learning Act 2009 (as amended). 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.

## About this guidance

We use the terms “**must**” and “**should**” 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. The guidance **should** be read alongside:

- statutory guidance [Working Together to Safeguard Children](#), and
- departmental advice [What to do if you are Worried a Child is Being Abused - Advice for Practitioners](#)

### Unless otherwise specified:

- ‘**school**’ means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools<sup>1</sup> and pupil referral units.
- ‘**college**’ means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.<sup>2</sup> College also means providers of post 16 Education as set out in the Apprenticeships, Skills, Children and Learning Act 2009 (as amended)<sup>3</sup>: 16-19 Academies, Special Post-16 institutions and

<sup>1</sup> The [Early Years Foundation Stage Framework](#) (EYFS) is mandatory for all early years’ providers. It applies to all schools, including maintained nursery schools that have early years provision. Maintained nursery schools, like the other schools listed under ‘About this guidance’, must have regard to Keeping children safe in education when carrying out duties to safeguard and promote the welfare of children (by virtue of section 175(2) of the Education Act 2002 – see footnote 19 for further detail on this requirement). <sup>2</sup> Under section 28 of the Further and Higher Education Act 1992 (‘designated institutions’).

<sup>3</sup> [Apprenticeships, Skills, Children and Learning Act 2009 \(as amended\)](#)

Independent Training Providers. For colleges, the guidance relates to their responsibilities towards children who are receiving education or training at these institutions.

## Victims and alleged perpetrator(s)

For the purposes of this guidance, we, in places, use the term ‘**victim**’. It is a widely recognised and understood term. It is important that schools and colleges recognise that

not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this advice, we, in places, use the term '**alleged perpetrator(s)**' and where appropriate '**perpetrator(s)**'. These are widely used and recognised terms and the most appropriate to aid effective drafting of guidance. However, schools and colleges should think very carefully about terminology, especially when speaking in front of children, not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well. As above, the use of appropriate terminology will be for schools and colleges to determine, as appropriate, on a case-by-case basis.

## Who is this guidance for?

**This statutory guidance should be read and followed by:**

- governing bodies of maintained schools (including maintained nursery schools) and colleges which includes providers of post 16 Education as set out in the Apprenticeships, Skills, Children and Learning Act 2009 (as amended): 16-19 Academies, Special Post-16 institutions and Independent Training Providers
- proprietors of independent schools (including academies, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust
- management committees of pupil referral units (PRUs), and
- senior leadership teams

Throughout the guidance, reference to '**governing bodies and proprietors**' includes management committees unless otherwise stated.

## School and college staff

It is essential that **everybody** working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children read **at least** Part one of this guidance.

Governing bodies and proprietors, working with their senior leadership teams and

especially their designated safeguarding lead, should ensure that those staff who do not work directly with children read either Part one or Annex A (a condensed version of Part one) of this guidance. This is entirely a matter for the school or college and will be based on their assessment of which guidance will be most effective for their staff to safeguard and promote the welfare of children.

Governing bodies and proprietors should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one (or Annex A if appropriate) of this guidance.

## **What does this guidance replace?**

This guidance replaces Keeping children safe in education 2022. A table of substantive changes is included at Annex F.

## **Part one: Safeguarding information for all staff**

### **What school and college staff should know and do**

#### **A child centred and coordinated approach to safeguarding**

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance Working Together to Safeguard Children.

2. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the **best interests** of the child.

3. No single practitioner can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing the impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

5. 'Children' includes everyone under the age of 18.

## **The role of school and college staff**

6. School and college staff are particularly important, as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating.

7. **All** staff have responsibility to provide a safe environment in which children can learn.

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8. **All** staff should be prepared to identify children who may benefit from early help.<sup>4</sup> Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.

9. **Any staff member** who has **any** concerns about a child's welfare should follow the

processes set out in paragraphs 51-67. Staff should expect to support social workers and other agencies following any referral.

10. **Every** school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as local authority children's social care.

11. 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.

12. The Teachers' Standards 2012 state that teachers (which includes headteachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.<sup>5</sup>

## What school and college staff need to know

13. **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 the:

- child protection policy (which should amongst other things also include the policy and procedures to deal with child-on-child abuse)
- behaviour policy (which should include measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying)<sup>6</sup>
- staff behaviour policy (sometimes called a code of conduct) should amongst other things, include low-level concerns, allegations against staff and whistleblowing
- safeguarding response to children who are absent from education, particularly on repeat occasions and/or prolonged periods and

<sup>4</sup> Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>5</sup> The [Teachers' Standards](#) apply to: trainees working towards QTS; all teachers completing their statutory induction period (newly qualified teachers [NQTs]); and teachers in maintained schools, including maintained special schools, who are subject to the Education (School Teachers' Appraisal) (England) Regulations 2012.

<sup>6</sup> All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy it should be provided to staff as described above.

- role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

Copies of policies and a copy of Part one (or Annex A, if appropriate) of this document

should be provided to **all** staff at induction.

14. **All** staff should receive appropriate safeguarding and child protection training (including online safety which, amongst other things, includes an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring – see para 141 for further information) at induction. The training should be regularly updated. In addition, **all** staff should receive safeguarding and child protection (including online safety) updates (for example, via email, e-bulletins, and staff meetings), as required, and at least annually, to continue to provide them with relevant skills and knowledge to safeguard children effectively.

15. **All** staff should be aware of their local early help process and understand their role in it.

16. **All** staff should be aware of the process for making referrals to local authority children's social care and for statutory assessments<sup>7</sup> 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.

17. **All** staff should know what to do if a child tells them they are being abused, exploited, or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and local authority children's social care. Staff should never promise a child that they will not tell anyone about a report of any form of abuse, as this may ultimately not be in the best interests of the child.

18. **All** staff should be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting **any** form of abuse and/or neglect. Nor should a victim ever be made to feel ashamed for making a report.

19. **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, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or are being threatened. This could be due to their vulnerability, disability

<sup>7</sup> Detailed information on statutory assessments can be found in Chapter 1 of [Working Together to Safeguard Children](#)

and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the designated safeguarding lead if they have



concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication.

## What school and college staff should look out for

### Early help

20. **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:

- is disabled or has certain health conditions and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care plan)
- has a mental health need
- is a young carer
  - is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups or county lines
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking, sexual or criminal exploitation •

is at risk of being radicalised or exploited

- has a family member in prison, or is affected by parental offending
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing alcohol and other drugs themselves
- has returned home to their family from care
- is at risk of so-called 'honour'-based abuse such as Female Genital Mutilation or Forced Marriage
- is a privately fostered child, or
- is persistently absent from education, including persistent absences for part of the school day.

### Abuse and neglect

21. **All** staff should be aware of indicators of abuse and neglect (see below), understanding that children can be at risk of harm inside and outside of the school/college, inside and outside of home, and online. Exercising professional curiosity

and knowing what to look for is vital for the early identification of abuse and neglect so

that staff are able to identify cases of children who may be in need of help or protection.

22. **All** school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events and cannot be covered by one definition or one label alone. In most cases, multiple issues will overlap with one another.

23. **All** staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual abuse (including harassment and exploitation), domestic abuse in their own intimate relationships (teenage relationship abuse), criminal exploitation, serious youth violence, county lines, and radicalisation.

24. **All** staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse and other risks online as well as face to face. In many cases abuse and other risks will take place concurrently both online and offline. Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content.

25. **In all cases, if staff are unsure, they should always speak to the designated safeguarding lead or a deputy.**

### **Indicators of abuse and neglect**

26. **Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

27. **Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

28. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child

opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

29. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education and **all** staff should be aware of it and of their school or college's policy and procedures for dealing with it.

30. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## Safeguarding issues

31. **All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and/or alcohol misuse, deliberately missing education, serious violence (including that linked to county lines), radicalisation and consensual and non-consensual sharing of nude and semi-nude

images and/or videos<sup>8</sup> can be signs that children are at risk. Below are some safeguarding issues all staff should be aware of. **Additional information on these safeguarding issues and information on other safeguarding issues is included in Annex B.**

### Child-on-child abuse

32. **All** staff should be aware that children can abuse other children (often referred to as child-on-child abuse), and that it can happen both inside and outside of school or college and online. **All** staff should be clear as to the school's or college's policy and procedures with regard to child-on-child abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

33. **All** staff should understand that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have **any** concerns regarding child-on-child abuse they should speak to their designated safeguarding lead (or a deputy).

34. It is essential that **all** staff understand the importance of challenging inappropriate behaviours between children, many of which are listed below, that are abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as "just banter", "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

35. Child-on-child abuse is most likely to include, but may not be limited to: •

bullying (including cyberbullying, prejudice-based and discriminatory bullying)

- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- sexual violence,<sup>9</sup> such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence)

<sup>8</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive. [UKCIS](#) provides detailed advice about sharing of nudes and semi-nude images and videos.

<sup>9</sup> For further information about sexual violence see Part 5 and Annex B.

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- sexual harassment,<sup>10</sup> such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>11</sup> (also known as sexting or youth produced sexual imagery)
  - upskirting,<sup>12</sup> which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

## **Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)**

36. Both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

## **Child Criminal Exploitation (CCE)**

37. Some specific forms of CCE can include children being forced or manipulated into transporting drugs or money through county lines, working in cannabis factories, shoplifting, or pickpocketing. They can also be forced or manipulated into committing vehicle crime or threatening/committing serious violence to others.

38. Children can become trapped by this type of exploitation, as perpetrators can threaten victims (and their families) with violence or entrap and coerce them into debt. They may be coerced into carrying weapons such as knives or begin to carry a knife for a

sense of protection from harm from others. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims

<sup>10</sup> For further information about sexual harassment see Part 5 and Annex B.

<sup>11</sup> UKCIS guidance: [Sharing nudes and semi-nudes advice for education settings](#)

<sup>12</sup> For further information about 'upskirting' see Annex B.

despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to.

39. It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

### **Child Sexual Exploitation (CSE)**

40. CSE is a form of child sexual abuse. Sexual abuse may involve physical contact, including assault by penetration (for example, rape or oral sex) or nonpenetrative acts such as masturbation, kissing, rubbing, and touching outside clothing. It may include non contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

41. CSE can occur over time or be a one-off occurrence and may happen without the child's immediate knowledge for example through others sharing videos or images of them on social media.

42. CSE can affect any child who has been coerced into engaging in sexual activities. This includes 16- and 17-year-olds who can legally consent to have sex. Some children may not realise they are being exploited for example they believe they are in a genuine romantic relationship.

### **Domestic Abuse**

43. Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. 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, well-being, development, and ability to

learn.

## Female Genital Mutilation (FGM)

44. Whilst **all** staff should speak to the designated safeguarding lead (or a deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific

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**legal duty on teachers.**<sup>13</sup> If a teacher, 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 **must** report this to the police.

## Mental Health

45. **All** staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

46. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. Schools and colleges can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies.

47. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy, and speaking to the designated safeguarding lead or a deputy.

## Serious violence

48. **All** staff should be aware of the indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include increased absence from school or college, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

## Additional information and support

49. Departmental advice [What to Do if You Are Worried a Child is Being Abused - Advice for Practitioners](#) provides more information on understanding and identifying abuse and

neglect. Examples of potential indicators of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school and college staff. The [NSPCC](#) website also provides useful additional information on abuse and neglect and what to look out for.

#### 50. **Annex B contains important additional information about specific forms of**

<sup>13</sup> Under section 5B(11) (a) of the Female Genital Mutilation Act 2003, “teacher” means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

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**abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read Annex B.**

## **What school and college staff should do if they have concerns about a child**

51. Staff working with children are advised to maintain an attitude of ‘**it could happen here**’ where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the **best interests** of the child.

52. If staff have **any concerns** about a child’s welfare, they should act on them **immediately**. See page 22 for a flow chart setting out the process for staff when they have concerns about a child.

53. If staff have a concern, they should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or a deputy).

54. Options will then include:

- managing any support for the child internally via the school’s or college’s own pastoral support processes
- undertaking an early help assessment,<sup>14</sup> or
- making a referral to statutory services,<sup>15</sup> for example as the child might be in need, is in need or suffering, or is likely to suffer harm.

55. The designated safeguarding lead (or a deputy) should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or a deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local authority children’s social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or a deputy) as soon as is practically possible.



56. 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

<sup>14</sup> Further information on early help assessments, provision of early help services and accessing services is in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>15</sup> Chapter 1 of [Working Together to Safeguard Children](#) sets out that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17 and 47. Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

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that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children's social care (such as a child in need or a child with a protection plan). [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 and considerations with regard to the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR).

57. DPA and UK GDPR **do not** prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. If in any doubt about sharing information, staff should speak to the designated safeguarding lead (or a deputy). Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

## Early help assessment

58. If early help is appropriate, the designated safeguarding lead (or a deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to local authority children's social care for assessment for statutory services if the child's situation does not appear to be improving or is getting worse.

## Statutory children's social care assessments and services

59. **Where a child is suffering, or is likely to suffer from harm, it is important that a referral to local authority children's social care (and if appropriate the police) is made immediately.** Referrals should follow the local referral process.

60. Local authority children's social care assessments should consider where children are being harmed in contexts outside the home, 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 enable a contextual approach to address such harm. Additional information is available here: [Contextual Safeguarding](#).

61. The online tool [Report Child Abuse to Your Local Council](#) directs to the relevant local authority children's social care contact number.

### **Children in need**

62. A child in need is defined under the Children Act 1989 as a child who is unlikely to  
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achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

### **Children suffering or likely to suffer significant harm:**

63. Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment. This includes **all** forms of abuse and neglect.

### **What will the local authority do?**

64. Within one working day of a referral being made, a local authority social worker should acknowledge its receipt to the referrer and make a decision about the next steps and the type of response that is required. This will include determining whether:

- the child requires immediate protection and urgent action is required • any services are required by the child and family and what type of services
- the child is in need and should be assessed under section 17 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process
- 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 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process, and

- further specialist assessments are required to help the local authority to decide what further action to take.

65. The referrer should follow up if this information is not forthcoming.

66. If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the designated safeguarding lead (or a deputy) as required).

67. If, after a referral, the child's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child's situation improves.

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## Record keeping

68. **All** concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. This will also help if/when responding to any complaints about the way a case has been handled by the school or college. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records should include:

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

69. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or a deputy).

## Why is all of this important?

70. It is important for children to receive the right help at the right time to address safeguarding risks, prevent issues escalating and to promote children's welfare. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action.<sup>16</sup> Further information about serious case reviews can be found in Chapter four of [Working Together to Safeguard Children](#). Examples of poor practice include:

- failing to act on and refer the early signs of abuse and neglect
- poor record keeping
- failing to listen to the views of the child

- failing to re-assess concerns when situations do not improve
- not sharing information with the right people within and between agencies •  
sharing information too slowly, and
- a lack of challenge to those who appear not to be taking action.

<sup>16</sup>An analysis of serious case reviews can be found at [gov.uk/government/publications/analysis-of-serious-case-reviews-2014-to-2017](https://www.gov.uk/government/publications/analysis-of-serious-case-reviews-2014-to-2017).

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## **What school and college staff should do if they have a safeguarding concern or an allegation about another staff member**

71. Schools and colleges should have processes and procedures in place to manage **any** safeguarding concern or allegation (no matter how small) about staff members (including supply staff, volunteers, and contractors).

72. If staff have a safeguarding concern or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) **harming or posing a risk of harm to children**, then:

- this should be referred to the headteacher or principal
- where there is a concern/allegation 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, and
- in the event of a concern/allegation about the headteacher, where the headteacher is also the sole proprietor of an independent school, or a situation where there is a conflict of interest in reporting the matter to the headteacher, this should be reported directly to the local authority designated officer(s) (LADOs). Details of your local LADO should be easily accessible on your local authority's website.

73. If staff have a safeguarding concern or an allegation about another member of staff (including supply staff, volunteers or contractors) that **does not** meet the harm threshold, then this should be shared in accordance with the school or college low-level concerns policy. Further details can be found in Part four of this guidance.

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

74. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

75. Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school's or college's senior leadership team.

76. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- general guidance on whistleblowing can be found via: [Advice on Whistleblowing](#)
- the [NSPCC's what you can do to report abuse dedicated helpline](#) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being

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handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).<sup>17</sup>

<sup>17</sup> Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.



<sup>1</sup> In cases which also involve a concern or an allegation of abuse against a staff member, see Part four of this guidance.

<sup>2</sup> Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working Together to Safeguard Children](#) provides detailed guidance on the early help process.

<sup>3</sup> Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

<sup>4</sup> Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

<sup>5</sup> This could include applying for an Emergency Protection Order (EPO).

## Part two: The management of safeguarding

77. This part of the guidance sets out the responsibility of governing bodies, proprietors and management committees.

## Legislation and the law

78. Governing bodies and proprietors<sup>18</sup> have a strategic leadership responsibility for their school's or college's safeguarding arrangements and **must** ensure that they comply with their duties under legislation. They **must** have regard to this guidance, ensuring policies, procedures and training in their schools or colleges are effective and comply with the law at all times.<sup>19</sup> Headteachers and principals should ensure that the policies and procedures, adopted by their governing bodies and proprietors (particularly those concerning referrals of cases of suspected abuse and neglect), are understood, and followed by all staff.

79. Where a school or college has charitable status, Charity Commission guidance on charity and trustee duties to safeguard children is available at [GOV.UK](https://www.gov.uk).

80. Governing bodies and proprietors should have a senior board level (or equivalent) lead to take **leadership** responsibility for their school's or college's safeguarding arrangements.<sup>20</sup>

81. Governing bodies and proprietors should ensure that **all** governors and trustees

<sup>18</sup> In the case of academies, free schools and alternative provision academies the proprietor will be the academy trust.

<sup>19</sup> Section 175 of the Education Act 2002 requires governing bodies of maintained schools and colleges, in relation to their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such functions are exercised with a view to safeguarding and promoting the welfare of children who are either pupils at the school or are receiving education or training at the institution. The Education (Independent School Standards) Regulations 2014 apply a duty to proprietors of independent schools (which in the case of academies and free schools is the academy trust) to ensure that arrangements are made to safeguard and promote the welfare of children. The Non-Maintained Special Schools (England) Regulations 2015 oblige non-maintained special schools to comply with certain requirements as a condition of their approval and whilst approved by the Secretary of State. One condition of approval is that the proprietor must make arrangements for safeguarding and promoting the health, safety and welfare of pupils, which have regard to any guidance including where appropriate, the National Minimum Standards, about safeguarding and promoting the health, safety and welfare of pupils and, in the case of schools already approved, that these arrangements at the school with respect to these matters are in accordance with the approval given by the Secretary of State. The Apprenticeships, Skills, Children and Learning Act 2009 (as amended) requires 16-19 Academies, Special Post-16 institutions and Independent Training Providers to make arrangements to ensure that the proprietor's functions relating to the conduct of the institution are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution. For colleges, non-maintained special schools and independent schools: the definition of 'children' applies to the statutory responsibilities for safeguarding and promoting the welfare of children i.e. those under 18.

<sup>20</sup> Chapter 2 of [Working Together to Safeguard Children](#).



receive appropriate safeguarding and child protection (including online) training at induction. This training should equip them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place in schools and colleges are effective and support the delivery of a robust whole school approach to safeguarding. Their training should be regularly updated.

82. Governing bodies and proprietors should be aware of their obligations under the Human Rights Act 1998<sup>21</sup>, the Equality Act 2010<sup>22</sup>, (including the Public Sector Equality Duty<sup>23</sup>), and their local multi-agency safeguarding arrangements<sup>24</sup>.

## Human Rights Act

83. The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and contains the Articles and protocols of the European Convention on Human Rights (ECHR) (the Convention) that are deemed to apply in the UK. It compels public organisations to respect and protect an individual's human rights when they make individual decisions about them.

84. Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific Convention rights applying to schools and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination,<sup>25</sup> and
- Protocol 1, Article 2: protects the right to education.

85. Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach any or all of these rights, depending on the nature of the conduct and the circumstances. Further information (including on absolute and qualified rights) can be found at [Human Rights | Equality and Human Rights Commission](#)

<sup>21</sup> [Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>22</sup> [Equality Act 2010 Advice for schools](#)

<sup>23</sup> The Public Sector Equality Duty is a legal requirement for schools and colleges that are public bodies. [Public Sector Equality Duty \(advice for schools\)](#)

<sup>24</sup> See paragraphs 107-114 on multi-agency working

<sup>25</sup> As a matter of law, Article 14 only applies where the act complained of falls within the ambit of another

Convention right, but in this context, it should always be assumed that either through Article 8 or Article 2 of Protocol 1, or both, Article 14 will be engaged.

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[equalityhumanrights.com](http://equalityhumanrights.com)).

## Equality Act 2010

86. Schools and colleges have obligations under the Equality Act 2010 (the Equality Act).

87. According to the Equality Act, schools and colleges **must** not unlawfully discriminate against pupils or students because of their sex, race, disability, religion or belief, gender reassignment, pregnancy and maternity, or sexual orientation (protected characteristics).

88. Whilst all of the above protections are important in the context of safeguarding, this guidance and the **legal duties** placed on schools and colleges, in relation to safeguarding and promoting the welfare of children, governing bodies and proprietors should carefully consider how they are supporting their pupils and students with regard to particular protected characteristics - including disability, sex, sexual orientation, gender reassignment and race.

89. Provisions within the Equality Act allow schools and colleges to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting pupils or students with certain protected characteristics in order to meet their specific need. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment. There is also a duty to make reasonable adjustments for disabled children and young people.

90. Guidance to help schools understand how the Equality Act affects them and how to fulfil their duties under the Act can be found at [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk), it may also be useful for colleges. For further information [Equality Act guidance | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com).

## Public Sector Equality Duty

91. The Public Sector Equality Duty (PSED) is found in the Equality Act. Compliance with the PSED is a legal requirement for state-funded schools and colleges, advice on this – including on specific duties, is set out in the advice linked in paragraph 90.

92. The PSED places a general duty on schools and colleges to have, in the exercise of their functions, due regard to the need to eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited under the Equality Act), to advance equality of opportunity and foster good relations between those who share a relevant

protected characteristic and those who do not. The duty applies to all protected characteristics (see para 87) and means that whenever significant decisions are being

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made or policies developed, specific consideration must be given to the equality implications of these such as, for example, the need to eliminate unlawful behaviours that relate to them, such as sexual violence and sexual harassment, misogyny/misandry and racism. This is one reason why good record-keeping and monitoring of all forms of abuse and harassment is essential.

93. The PSED helps schools and colleges (which are subject to it) to focus on key issues of concern and how to improve pupil and student outcomes. Some pupils or students may be more at risk of harm from specific issues such as sexual violence, homophobic, biphobic or transphobic bullying or racial discrimination. Such concerns will differ between education settings, but it is important schools and colleges are conscious of disproportionate vulnerabilities and integrate this into their safeguarding policies and procedures. For further information please see [Technical Guidance on the Public Sector Equality Duty: England | Equality and Human Rights Commission](https://www.equalityhumanrights.com/en/technical-legal-guidance/technical-guidance-on-the-public-sector-equality-duty-england) ([equalityhumanrights.com](https://www.equalityhumanrights.com))

## Data Protection Act 2018 and the UK GDPR

94. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure. See ICO guidance '[For Organisations](#)' which includes information about your obligations and how to comply, including protecting personal information, and providing access to official information.

## Whole school and college approach to safeguarding

95. Governing bodies and proprietors should ensure they facilitate a whole school or college approach to safeguarding. This means involving everyone in the school or college, and ensuring that safeguarding, and child protection are at the forefront and underpin all relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the **best interests** of the child at their heart.

96. Where there is a safeguarding concern, governing bodies, proprietors and school or college leaders should ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide.

97. The school's or college's safeguarding policies and procedures (some of which are listed below) should be transparent, clear, and easy to understand for staff, pupils, students, parents, and carers. Systems should be in place, and they should be well

promoted, easily understood and easily accessible for children to confidently report, any form of abuse or neglect, knowing their concerns will be treated seriously, and knowing they can safely express their views and give feedback.

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## Safeguarding policies and procedures

98. Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

99. These policies should include individual schools and colleges having: •

an **effective child protection policy** which:

- reflects the whole school/college approach to child-on-child abuse (see paragraph 156 and Part five)
  - reflects reporting systems as set out at paragraph 97
  - describes procedures which are in accordance with government guidance
  - refers to locally agreed multi-agency safeguarding arrangements put in place by the safeguarding partners (see paragraphs 107-114)
  - includes policies as reflected elsewhere in Part two of this guidance, such as online safety (see paragraph 138), and special educational needs and disabilities (SEND) (see paragraphs 199-202)
  - is reviewed annually (as a minimum) and updated if needed, so that it is kept up to date with safeguarding issues as they emerge and evolve, including lessons learnt; and
  - is available publicly either via the school or college website or by other means.
- a **behaviour policy**<sup>26</sup>, which includes measures to prevent bullying (including cyberbullying, prejudice-based and discriminatory bullying).
  - a **staff behaviour policy** (sometimes called the code of conduct) which should, amongst other things, include low-level concerns, allegations against staff and whistleblowing, plus acceptable use of technologies (including the use of mobile devices), staff/pupil relationships and communications including the use of social media.<sup>27</sup>

<sup>26</sup> All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy, it should be provided to staff at induction as described above.

<sup>27</sup> When drafting the staff behaviour policy, schools and colleges should bear in mind the offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if they do not teach the child.

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- **appropriate safeguarding arrangements** in place to respond to children who are absent from education, particularly on repeat occasions and/or for prolonged periods more information at paragraph 175).

100. The above is not intended to be an exhaustive list. These policies and procedures, along with Part one (or Annex A if appropriate) of this guidance and information regarding the role and identity of the designated safeguarding lead (and deputies), should be provided to all staff on induction.

101. Governing bodies and proprietors should take a proportionate risk-based approach to the level of information that is provided to temporary staff, volunteers and contractors.

102. In addition, governing bodies and proprietors should ensure:

- **child protection files** are maintained as set out in Annex C
- **appropriate safer recruitment policies** in accordance with Part three of this guidance are in place, embedded and effective and,
- where reasonably possible, schools and colleges hold **more than one emergency contact number** for each pupil or student. This goes beyond the legal minimum.<sup>28</sup> It 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. Further information for schools can be found in the department's [School Attendance Guidance](#).

## The designated safeguarding lead

103. Governing bodies and proprietors should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed to the role of designated safeguarding lead.<sup>29</sup> It is not appropriate for the proprietor to be the designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection (including online safety and understanding the filtering and monitoring systems and processes in place). This should

<sup>28</sup> See The Education (Pupil Registration) (England) Regulations 2006, available at [legislation.gov.uk](http://legislation.gov.uk). <sup>29</sup> When a school has a sole proprietor rather than a governing body, appropriate steps should be taken to

ensure that the member of the senior leadership team who is appointed as designated safeguarding lead (DSL) is able to discharge that role with sufficient independence, particularly in relation to any allegations involving the proprietor or members of the proprietor's family. This may involve including in the appointment as DSL, written confirmation that part of the duties of the post involve contacting the Local Authority Designated Officer (LADO) on any matter that the DSL considers cannot be properly dealt with internally. Consideration could also be given to providing the DSL with access to external advice from an appropriate company or legal service.

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be explicit in the role holder's job description.

104. Governing bodies 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 postholder should be given the additional time, funding, training, resources, and support needed to carry out the role effectively.

105. It is for individual schools and colleges to decide whether they choose to have one or more deputy designated safeguarding leads. Any deputy (or deputies) should be trained to the same standard as the designated safeguarding lead.

106. See Annex C, which describes the broad areas of responsibility and activities related to the role.

## Multi-agency working

107. Schools and colleges have a pivotal role to play in multi-agency safeguarding arrangements. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#).

108. Safeguarding partners (the local authority; Integrated Care Boards (previously known as clinical commissioning group) for an area within the local authority; and the chief officer of police for an area any part of which falls within the local authority area) will make arrangements to work together with appropriate relevant agencies to safeguard and promote the welfare of local children, including identifying and responding to their needs.

109. Safeguarding partners have a shared and equal duty to work together to safeguard and promote the welfare of children. To fulfil this role, they **must** set out how they will work together and with any relevant agencies.<sup>30</sup> Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need.

110. [Working Together to Safeguard Children](#) is very clear that all schools (including those in multi-academy trusts) and colleges in the local area should be fully engaged, involved, and included in safeguarding arrangements. It is expected that, locally, the safeguarding partners will name schools and colleges as relevant agencies. Safeguarding partners will set out in their published arrangements which organisations and agencies

they will be working with, and the expectations placed on any agencies and

<sup>30</sup> For the list of relevant agencies see The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018 available at [legislation.gov.uk](https://legislation.gov.uk). Schools and colleges are included.

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organisations by the arrangements. Once named as a relevant agency, schools and colleges, in the same way as other relevant agencies, are under a statutory duty to co-operate with the published arrangements. They must act in accordance with the safeguarding arrangements.

111. It is especially important that schools and colleges understand their role within the local safeguarding arrangements. Governing bodies, proprietors, and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their local arrangements.

112. Governing bodies and proprietors should understand the local criteria for action<sup>31</sup> and the local protocol for assessment<sup>32</sup> and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the safeguarding partners.<sup>33</sup>

113. Schools and colleges should work with local authority children's social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated 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.

114. All schools and colleges should allow access for local authority 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.

## **Information sharing**

115. Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including in relation to their educational outcomes. Schools and colleges have clear powers to share, hold and use information for these purposes.

<sup>31</sup> The safeguarding partners should publish a document which sets out the local criteria for action in a way that is transparent, accessible and easily understood. This should include: the process for the early help assessment and the type and level of early help services to be provided; the criteria, included level of need,

for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17, 20, 31 and 47 of the Children Act 1989; and clear procedures and processes for cases relating to the exploitation of children, children managed within the youth secure estate and disabled children.

<sup>32</sup> The local authority, with their partners should develop and publish local protocols for assessment.

Protocols should set out clear arrangements for how cases will be managed once a referral is made to local authority children's social care.

<sup>33</sup> More details on information requests by the safeguarding partners is provided in Part 3 of [Working Together to Safeguard Children](#).

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116. As part of meeting a child's needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the processes and principles for sharing information within the school or college and with local authority children's social care, the safeguarding partners and other organisations, agencies, and practitioners as required.

117. School and college staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care.

118. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

119. Governing bodies and proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR.

This includes:

- being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as 'special category personal data'
- understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. It would be legitimate to share information without consent where: it is not possible to gain consent; it cannot be reasonably expected that a practitioner gains consent; and, if to gain consent would place a child at risk, and
- for schools, not providing pupils' personal data where the serious harm test under the legislation is met.<sup>34</sup> For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harm test is met, they



must withhold providing the data in compliance with schools' obligations

<sup>34</sup> The harm test is explained on the Disclosure and Barring service website on [GOV.UK](https://www.gov.uk). Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, available at [legislation.gov.uk](https://legislation.gov.uk)

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under the Data Protection Act 2018 and the UK GDPR. Where in doubt schools should seek independent legal advice.

**120. The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.**

121. Further details on information sharing can be found:

- in Chapter one of [Working Together to Safeguard Children](#), which includes a myth-busting guide to information sharing
- at [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful
- at [The Information Commissioner's Office \(ICO\)](#), which includes information about your obligations and how to comply, including protecting personal information, and providing access to official information
- in [Data protection: toolkit for schools](#) - Guidance to support schools with data protection activity, including compliance with the UK GDPR.

122. 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, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term to allow the new school or college to have support in place for when the child arrives. The designated safeguarding lead should ensure 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 special educational needs co-ordinators (SENCO's) or the named persons with oversight for special educational needs and disabilities (SEND) in a college, are aware as required.

123. 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 children who have had a social worker and

been victims of abuse, or those who are currently receiving support through the 'Channel' programme and can have that support in place for when the child arrives. More information on the child protection file is in Annex C.

## **Staff training**

124. Governing bodies and proprietors should ensure that **all** staff undergo safeguarding and child protection training (including online safety which, amongst other

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things, includes an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring – see para 141 for further information) at induction. The training should be regularly updated. Induction and training should be in line with any advice from the safeguarding partners.

125. In addition, all staff should receive regular safeguarding and child protection updates, including online safety (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to continue to provide them with relevant skills and knowledge to safeguard children effectively.

126. Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and from managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and the child protection policy.

127. Governing bodies and proprietors should ensure that, as part of the requirement for staff to undergo regular updated safeguarding training, including in relation to online safety (paragraph 124) and for children to be taught about safeguarding, including in relation to online safety (paragraph 129), that safeguarding training for staff, including online safety training, is integrated, aligned and considered as part of the whole school or college safeguarding approach and wider staff training and curriculum planning.

128. Whilst considering the above training requirements, governing bodies and proprietors should have regard to the Teachers' Standards<sup>35</sup> which set out the expectation that all teachers manage behaviour effectively to ensure a good and safe educational environment and requires teachers to have a clear understanding of the needs of all pupils.

## **Opportunities to teach safeguarding**

129. Governing bodies and proprietors should ensure that children are taught about how to keep themselves and others safe, including online. It should be recognised that effective education will be tailored to the specific needs and vulnerabilities of individual children, including children who are victims of abuse, and children with special educational needs and/or disabilities.

130. In schools, relevant topics will be included within Relationships Education (for all primary pupils), and Relationships and Sex Education (for all secondary pupils) and Health Education (for all primary and secondary pupils). In teaching these subjects schools must have regard to the statutory guidance,<sup>36</sup> which can be found [here](#). Colleges

<sup>35</sup> [Teacher standards](#).

<sup>36</sup> With the exception that the regulations and guidance in relation to Health Education do not apply to independent schools that are not academies – separate regulations apply).

may cover relevant issues through tutorials.

131. Schools and colleges play a crucial role in preventative education. Preventative education is most effective in the context of a whole-school or college approach that prepares pupils and students for life in modern Britain and creates a culture of zero tolerance for sexism, misogyny/misandry, homophobia, biphobic and sexual violence/harassment. The school/college will have a clear set of values and standards, upheld and demonstrated throughout all aspects of school/college life. These will be underpinned by the school/college's behaviour policy and pastoral support system, as well as by a planned programme of evidence based RSHE delivered in regularly timetabled lessons and reinforced throughout the whole curriculum. Such a programme should be fully inclusive and developed to be age and stage of development appropriate (especially when considering the needs of children with SEND and other vulnerabilities). This program will tackle, at an age-appropriate stage, issues such as:

- healthy and respectful relationships
- boundaries and consent
- stereotyping, prejudice and equality
- body confidence and self-esteem
- how to recognise an abusive relationship, including coercive and controlling behaviour
- the concepts of, and laws relating to - sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, so-called 'honour'-based violence such as forced marriage and Female Genital Mutilation (FGM), and how to access support, and
- what constitutes sexual harassment and sexual violence and why these are always unacceptable.

132. The department has produced a one-stop hub for teachers which can be accessed here: [Teaching about relationships sex and health \(Gov.uk\)](#). This includes teacher

training modules on the RSHE topics and non-statutory implementation guidance. Further guidance focused on teaching relationships education specifically to prevent sexual harassment and sexual violence will be published in the 22/23 academic year.

133. The following resources, plus many more listed in Annex B, may also help schools and colleges understand and teach about safeguarding:

- DfE advice for schools: [teaching online safety in schools](#)

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- UK Council for Internet Safety (UKCIS)<sup>37</sup> guidance: [Education for a connected world](#)
- UKCIS guidance: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)
  - The UKCIS [external visitors guidance](#) will help schools and colleges to ensure the maximum impact of any online safety sessions delivered by external visitors
- National Crime Agency's [CEOP Education Programme](#): Protecting children and young people from online child sexual abuse through education
- Public Health England<sup>38</sup>: [Every Mind Matters](#)
- [Harmful online challenges and online hoaxes](#) - this includes advice on preparing for any online challenges and hoaxes, sharing information with parents and carers and where to get help and support.

134. Whilst it is essential that governing bodies and proprietors ensure that appropriate filtering and monitoring systems are in place, they should be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regard to online teaching and safeguarding.

## Online safety

135. It is essential that children are safeguarded from potentially harmful and inappropriate online material. An effective whole school and college approach to online safety empowers a school or college to protect and educate pupils, students, and staff in their use of technology and establishes mechanisms to identify, intervene in, and escalate any concerns where appropriate.

136. The breadth of issues classified within online safety is considerable and ever evolving, but can be categorised into four areas of risk:

**content:** being exposed to illegal, inappropriate, or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation, and extremism.

**contact:** being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other

<sup>37</sup> UK Council for Internet Safety Education subgroup is made up of sector experts who collaborate to produce advice and guidance to support schools and colleges keep their children safe online. <sup>38</sup>Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency, however branding remains unchanged.

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purposes.

**conduct:** online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images (e.g. consensual and non consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying, and

**commerce:** risks such as online gambling, inappropriate advertising, phishing and or financial scams. If you feel your pupils, students or staff are at risk, please report it to the Anti-Phishing Working Group (<https://apwg.org/>).

137. Governing bodies and proprietors should ensure online safety is a running and interrelated theme whilst devising and implementing their whole school or college approach to safeguarding and related policies and procedures. This will include considering how online safety is reflected as required in all relevant policies and considering online safety whilst planning the curriculum, any teacher training, the role and responsibilities of the designated safeguarding lead (and deputies) and any parental engagement.

### Online safety policy

138. Online safety and the school or college's approach to it should be reflected in the child protection policy which, amongst other things, should include appropriate filtering and monitoring on school devices and school networks. Considering the 4Cs (above) will provide the basis of an effective online policy. The school or college should have a clear policy on the use of mobile and smart technology, which will also reflect the fact many children have unlimited and unrestricted access to the internet via mobile phone networks (i.e. 3G, 4G and 5G). This access means some children, whilst at school or college, sexually harass, bully, and control others via their mobile and smart technology, share indecent images consensually and non-consensually (often via large chat groups)

and view and share pornography and other harmful content. Schools and colleges should carefully consider how this is managed on their premises and reflect this in their mobile and smart technology policy and their child protection policy.

### **Remote education**

139. Guidance to support schools and colleges understand how to help keep pupils, students and staff safe whilst learning remotely can be found at [Safeguarding and remote education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/safeguarding-and-remote-education) and [Providing remote education: guidance for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/providing-remote-education). The NSPCC also provide helpful advice - [Undertaking remote teaching safely](https://www.nspcc.org.uk/keeping-children-safe/keeping-children-safe-online/undertaking-remote-teaching-safely).

140. Schools and colleges are likely to be in regular contact with parents and carers. Those communications should be used to reinforce the importance of children being safe online and parents and carers are likely to find it helpful to understand what systems

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schools and colleges use to filter and monitor online use. It will be especially important for parents and carers to be aware of what their children are being asked to do online, including the sites they will be asked to access and be clear who from the school or college (if anyone) their child is going to be interacting with online.

### **Filtering and monitoring**

141. Whilst considering their responsibility to safeguard and promote the welfare of children and provide them with a safe environment in which to learn, governing bodies and proprietors should be doing all that they reasonably can to limit children's exposure to the above risks from the school's or college's IT system. As part of this process, governing bodies and proprietors should ensure their school or college has appropriate filtering and monitoring systems in place and regularly review their effectiveness. They should ensure that the leadership team and relevant staff have an awareness and understanding of the provisions in place and manage them effectively and know how to escalate concerns when identified. Governing bodies and proprietors should consider the number of and age range of their children, those who are potentially at greater risk of harm and how often they access the IT system along with the proportionality of costs versus safeguarding risks.

142. The appropriateness of any filtering and monitoring systems are a matter for individual schools and colleges and will be informed in part, by the risk assessment required by the Prevent Duty.<sup>39</sup>

To support schools and colleges to meet this duty, the Department for Education has published [filtering and monitoring standards](#) which set out that schools and colleges should:

- identify and assign roles and responsibilities to manage filtering and monitoring systems.
- review filtering and monitoring provision at least annually.
- block harmful and inappropriate content without unreasonably impacting teaching and learning.
- have effective monitoring strategies in place that meet their safeguarding needs

Governing bodies and proprietors should review the standards and discuss with IT staff and service providers what more needs to be done to support schools and colleges in meeting this standard.

<sup>39</sup> [The Prevent duty Departmental advice for schools and childcare providers](#) and Home Office [Statutory guidance: Prevent duty guidance](#).

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Additional guidance on filtering and monitoring can be found at: UK Safer Internet Centre: “appropriate” filtering and monitoring. <https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/appropriate-filtering-and-monitoring>. South West Grid for Learning ([swgfl.org.uk](http://swgfl.org.uk)) have created a [tool](#) to check whether a school or college’s filtering provider is signed up to relevant lists (CSA content, Sexual Content, Terrorist content, Your Internet Connection Blocks Child Abuse & Terrorist Content).

143. Support for schools when considering what to buy and how to buy it is available via the: [schools' buying strategy](#) with specific advice on procurement here: [buying for schools](#).

### **Information security and access management**

144. Education settings are directly responsible for ensuring they have the appropriate level of security protection procedures in place in order to safeguard their systems, staff and learners and review the effectiveness of these procedures periodically to keep up with evolving cyber-crime technologies. Guidance on e-security is available from the [National Education Network](#). In addition, schools and colleges should consider meeting the [Cyber security standards for schools and colleges.GOV.UK](#). Broader guidance on cyber security including considerations for governors and trustees can be found at [Cyber security training for school staff - NCSC.GOV.UK](#).

### **Reviewing online safety**

145. Technology, and risks and harms related to it, evolve, and change rapidly. Schools and colleges should consider carrying out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their

children face. A free online safety self-review tool for schools can be found via the [360 safe website](#) or [LGfL online safety audit](#).

146. UKCIS has published Online safety in schools and colleges: [Questions from the governing board](#). The questions can be used to gain a basic understanding of the current approach to keeping children safe online; learn how to improve this approach where appropriate; and find out about tools which can be used to improve the approach. It has also published an [Online Safety Audit Tool](#) which helps mentors of trainee teachers and newly qualified teachers induct mentees and provide ongoing support, development and monitoring.

147. When reviewing online safety provision, the UKCIS [external visitors guidance](#) highlights a range of resources which can support educational settings to develop a whole school approach towards online safety.

### Information and support

148. There is a wealth of additional information available to support schools, colleges and parents to keep children safe online. A sample is provided in Annex B.

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### Inspection

149. Ofsted's inspections of early years, schools and post-16 provision are carried out under: [Ofsted's Education Inspection Framework](#). Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective.

150. In addition to the framework and inspections handbooks, Ofsted publishes specific guidance to inspectors on inspecting safeguarding: [Inspecting safeguarding in early years, education and skills settings](#).

151. The Independent Schools Inspectorate (ISI) is approved to inspect certain independent schools and will also report on safeguarding arrangements. ISI has a published framework which informs how it inspects at [Independent Schools Inspectorate](#).

### What school and college staff should do if they have a safeguarding concern or an allegation is made about another staff member

152. Governing bodies and proprietors should ensure there are procedures in place as described in paragraph 71 and 73, to manage **any** safeguarding concerns (no matter how small) or allegations that **do not** meet the harm threshold, about staff members (including supply staff, volunteers, and contractors). 'Low-level' concerns should be addressed as set out in Section two of Part four of this guidance.

153. Governing bodies and proprietors should ensure there are procedures in place, as described in paragraphs 71 and 72, for staff to report concerns or allegations that **may**



meet the harm threshold about staff members (including supply staff, volunteers, and contractors). These should be addressed as set out in Section one of Part four of this guidance.

154. There **must** 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.<sup>40</sup> **This is a legal duty and failure to refer when the criteria are met is a criminal offence.**<sup>41</sup> More detail is provided at paragraph 348.

155. Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must consider** whether to refer the case to the Secretary of State (via the Teaching Regulation Agency). Details about

<sup>40</sup> [Section 35 of the Safeguarding Vulnerable Groups Act 2006.](#)

<sup>41</sup> [Section 38 of the Safeguarding Vulnerable Groups Act 2006.](#)

how to make a referral to the Teaching Regulation Agency can be found on [GOV.UK](#).

## Child-on-child abuse

156. **All** staff should recognise that children are capable of abusing other children (including online). **All** staff should be clear about their school's or college's policy and procedures with regard to child-on-child abuse.

157. Governing bodies and proprietors should ensure that their child protection policy includes:

- procedures to minimise the risk of child-on-child abuse
- the systems in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously
- how allegations of child-on-child abuse will be recorded, investigated, and dealt with
- clear processes as to how victims, perpetrators and any other children affected by child-on-child abuse will be supported
- a recognition that even if there are no reported cases of child-on-child abuse, such abuse may still be taking place and is simply not being reported
- a statement which makes clear there should be a zero-tolerance approach to abuse, and it should never be passed off as "banter", "just having a laugh", "part of

growing up” or “boys being boys” as this can lead to a culture of unacceptable behaviours and an unsafe environment for children

- recognition that it is more likely that girls will be victims and boys perpetrators, but that all child-on-child abuse is unacceptable and will be taken seriously, and
- the different forms child-on-child abuse can take, such as:
  - bullying (including cyberbullying, prejudice-based and discriminatory bullying)
  - abuse in intimate personal relationships between children (also known as teenage relationship abuse)
  - physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
  - sexual violence and sexual harassment. Part five of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment

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- consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>42</sup> (also known as sexting or 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 UKCIS Education Group has published [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) which outlines how to respond to an incident of nude and/or semi nude images and/or videos being shared
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- upskirting (which is a criminal offence<sup>43</sup>), which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, and
- initiation/hazing type violence and rituals.

## **Boarding schools, residential special schools, residential colleges and children’s homes**

158. Boarding schools, residential special schools, residential colleges and children’s homes have additional factors to consider with regard to safeguarding.

159. Schools and colleges that provide such residential accommodation and/or are registered as children's homes should, amongst other things, be alert to the extra vulnerabilities of SEND children in such settings, inappropriate pupil or student relationships and the potential for child-on-child abuse, particularly in schools and colleges where there are significantly more girls than boys or vice versa. They should, generally led by the designated safeguarding lead, work closely with the host local authority and, where relevant, any local authorities that have placed their children there.

160. Boarding schools, residential special schools, residential colleges, and children's homes have additional requirements in regard to safeguarding. These relate to National Minimum Standards and regulations for the relevant setting and all schools and colleges with residential provision for children **must** comply with their obligations relating to them.

161. The relevant standards and guidance for each sector are on GOV.UK and the

<sup>42</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive but children still need to know it is illegal, whilst non-consensual is illegal and abusive.

<sup>43</sup> [Voyeurism \(Offences\) Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/10/section/1)

relevant links are listed below:

- [The National Minimum Standards for Boarding Schools](#)
- [The National Minimum Standards for Residential Special Schools](#) • [Further Education residential accommodation: National Minimum Standards](#) • [Guide to the Children's Homes Regulations](#)

162. In addition, [The Visits to Children in Long-Term Residential Care Regulations 2011](#) apply to children living away from home in residential settings for periods of three months or more (including those placed in residential schools and colleges). An appropriate representative from the accommodating local authority **must** visit these settings to ensure the welfare of these children.

## The use of 'reasonable force' in schools and colleges

163. There are circumstances when it is appropriate for staff in schools and colleges to use 'reasonable force' to safeguard children. 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 child 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.

164. 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. The department therefore encourages, principals, 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 within the context of the law and should always depend on individual circumstances.

165. When using ‘reasonable force’ in response to risks presented by incidents involving children with SEND, mental health problems 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 (see paragraphs 86-93), for example in relation to making reasonable adjustments and their Public Sector Equality Duty. 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’.

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- Departmental advice for schools is available at [Use of Reasonable Force in Schools](#)
- HM Government guidance [Reducing the need for restraint and restrictive intervention](#) sets out how to support children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties who are at risk of restrictive intervention in special education settings, however all schools and colleges may find the information helpful.

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

166. Where governing bodies or proprietors hire or rent out school or college facilities/premises to organisations or individuals (for example to community groups, sports associations, and service providers to run community or extra-curricular activities) they should ensure that appropriate arrangements are in place to keep children safe.

167. When services or activities are provided by the governing body or proprietor, under the direct supervision or management of their school or college staff, their arrangements for child protection will apply. However, where services or activities are provided separately by another body this is not necessarily the case. The governing body or proprietor should therefore seek assurance that the provider concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting

these as needed); and ensure that there are arrangements in place for the provider to liaise with the school or college on these matters where appropriate. This applies regardless of whether or not the children who attend any of these services or activities are children on the school roll or attend the college. The governing body or proprietor should also ensure safeguarding requirements are included in any transfer of control agreement (i.e. lease or hire agreement), as a condition of use and occupation of the premises; and that failure to comply with this would lead to termination of the agreement. The guidance on [Keeping children safe in out-of-school settings](#) details the safeguarding arrangements that schools and colleges should expect these providers to have in place.

## Alternative provision

168. The cohort of pupils in Alternative Provision often have complex needs, it is important that governing bodies and proprietors of these settings are aware of the additional risk of harm that their pupils may be vulnerable to.

169. The department has issued two pieces of statutory guidance to which commissioners of Alternative Provision should have regard:

- [Alternative provision](#) DFE statutory guidance, and

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- [Education for children with health needs who cannot attend school - GOV.UK \(www.gov.uk\)](#) – DFE statutory guidance.

## Children potentially at greater risk of harm

170. Whilst **all** children should be protected, it is important that governing bodies and proprietors recognise (and reflect in their policies and procedures) that some groups of children, are potentially at greater risk of harm than others (both online and offline). The list below, is not exhaustive, but highlights some of those groups.

### Children who need a social worker (Child in Need and Child Protection Plans)

171. Children may need a social worker due to safeguarding or welfare needs. Children may need this help due to abuse and/or neglect and/or complex family circumstances. A child's experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, learning, behaviour, and mental health.

172. Local authorities should share the fact a child has a social worker, and the designated safeguarding lead should hold and use this information so that decisions can be made in the best interests of the child's safety, welfare and educational outcomes. This should be considered as a matter of routine. There are clear powers to share this

information under existing duties on both local authorities and schools and colleges to safeguard and promote the welfare of children.

173. Where children need a social worker, this should inform decisions about safeguarding (for example, responding to unauthorised absence or to a child missing education where there are known safeguarding risks) and about promoting welfare (for example, considering the provision of pastoral and/or academic support, alongside action by statutory services).

174. Findings from the Children in Need review, '[Improving the educational outcomes of Children in Need of help and protection](#)' contains further information; the conclusion of the review, '[Help, protection, education](#)' provides detail about the action the government is taking to support this.

### **Children who are absent from education**

175. Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign to a range of safeguarding issues including neglect, child sexual and child criminal exploitation - particularly county lines. It is important the school or college's response to persistently absent pupils and children missing education supports identifying such abuse, and in the case of absent pupils, helps prevent the risk of them becoming a child missing education in the future. This includes when problems are first emerging but also where children are already known to

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local authority children's social care and need a social worker (such as a child who is a child in need or who has a child protection plan, or is a looked after child), where being absent from education may increase known safeguarding risks within the family or in the community. Further information and support, includes:

- Guidance on school attendance 'Working together to improve school attendance' including information on how schools should work with local authority children's services where school absence indicates safeguarding concerns.
- Information regarding schools' duties regarding children missing education, including information schools **must** provide to the local authority when removing a child from the school roll at standard and non-standard transition points, can be found in the department's statutory guidance: [Children Missing Education](#).
- 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](#).
- general information and advice for schools and colleges can be found in the Government's [Missing Children and Adults Strategy](#).

## **Elective Home Education (EHE)**

176. Many home educated children have an overwhelmingly positive learning experience. We would expect the parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all, and home education can mean some children are less visible to the services that are there to keep them safe and supported in line with their needs.

177. From September 2016 the Education (Pupil Registration) (England) Regulations 2006 were amended so that schools must inform their LA of all deletions from their admission register when a child is taken off roll.<sup>44</sup>

178. Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, we recommend that LAs, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has special educational needs or a disability, and/or has a social worker, and/or is otherwise vulnerable. Where a child has an Education, Health and Care plan

<sup>44</sup> This requirement does not apply where a pupil's name is deleted after they have completed the final year at the school (e.g. Year 6 at a typical primary school) unless the local authority have asked to be informed about such deletions.

local authorities will need to review the plan, working closely with parents and carers.

179. DfE guidance for local authorities on [Elective home education](#) sets out the role and responsibilities of LAs and their powers to engage with parents in relation to EHE. Although this is primarily aimed at LAs, schools should also be familiar with this guidance.

## **Children requiring mental health support**

180. Schools and colleges have an important role to play in supporting the mental health and wellbeing of their pupils.

181. Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Governing bodies and proprietors should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

182. The department is providing funding to support the costs of a significant training

program for senior mental health leads. Training for senior mental health leads will be available to all state-funded schools and colleges by 2025, to help introduce or develop their whole school or college approach to mental health.

183. The senior mental health lead role is not mandatory and different senior leads will inevitably have various levels of knowledge and skills to promote wellbeing and mental health, and different responsibilities, as roles are locally defined to fit in with other relevant roles and responsibilities. However, we expect a senior mental health lead in a school/college will be a member of, or supported by the senior leadership team, and could be the pastoral lead, special educational needs co-ordinator (SENCO) or the named person with oversight for SEND in a college or designated safeguarding lead. We are aware most schools and colleges already have a senior mental health lead in place.

184. Schools and colleges can access a training grant to pay for DfE quality assured senior mental health lead training, helping them to implement a holistic 'whole school or college' approach to mental health and wellbeing. Further information on how schools and colleges can apply for a grant and identify the most appropriate training for them – can be found at [Guidance: Senior mental health lead training](#).

185. In addition, Public Health England<sup>45</sup> has produced a range of resources to support secondary schools to promote positive health, wellbeing and resilience among children including its guidance [Promoting children and young people's emotional health and](#)

<sup>45</sup> Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency. However, branding remains unchanged.

[wellbeing](#). Its resources include social media, forming positive relationships, smoking and alcohol. See [Rise Above: Resources for School from Public Health England #esafety | The Education People](#) for links to all materials and lesson plans. The department has also published, '[Every interaction matters](#)' a pre-recorded webinar which provides staff with a simple framework for promoting wellbeing, resilience, and mental health. This sits alongside our [Wellbeing for education recovery](#) program content, which covers issues such as bereavement, loss, anxiety, stress and trauma.

186. The department has published advice and guidance on [Preventing and Tackling Bullying](#) (which may also be useful for colleges). The [Promoting and supporting mental health and wellbeing in schools and colleges](#) guidance sets out how schools and colleges can help prevent mental health problems by promoting resilience as part of an integrated, whole school/college approach to social and emotional wellbeing, which is tailored to the needs of their pupils and students.

## **Looked after children and previously looked after children**



187. The most common reason for children becoming looked after<sup>46</sup> is as a result of abuse and/or neglect. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding to keep looked after children safe.

188. In particular, they should ensure that appropriate staff have access to the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents, or on an interim or full care order) and the child's contact arrangements with birth parents or those with parental responsibility. They should also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The designated safeguarding lead<sup>47</sup> should have details of the child's social worker and the name of the Virtual School Head (see para 192) in the authority that looks after the child.

189. 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.

### **The designated teacher**

<sup>46</sup> A child who is looked after by a local authority (referred to as a looked-after-child) as defined in section 22 Children Act 1989, means a child who is subject to a care order (interim or full care order) or who is voluntarily accommodated by the local authority.

<sup>47</sup> In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

190. Governing bodies of maintained schools and proprietors of academies **must** appoint a designated teacher<sup>48</sup> and should work with local authorities to promote the educational achievement of registered pupils who are looked after. With the commencement of sections 4 to 6 of the Children and Social Work Act 2017, designated teachers 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>49</sup> The designated teacher **must** have appropriate training and the relevant qualifications and experience.<sup>50</sup> In other schools and colleges, an appropriately trained teacher should take the lead.

191. Statutory guidance: [Designated teacher for looked-after and previously looked after children](#) contains further information on the role and responsibilities of the designated teacher.

### **Virtual School Heads**

192. Virtual School Heads<sup>51</sup> manage pupil premium plus for looked after children;<sup>52</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.<sup>53</sup> 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.

193. As with designated teachers, following the commencement of sections 4 to 6 of the Children and Social Work Act 2017, Virtual School Heads have responsibilities

<sup>48</sup> [Section 20 of the Children and Young Persons Act 2008](#) sets this requirement for maintained schools. This legislation and accompanying statutory guidance on [the role of designated teacher](#) applies to academies through their funding agreements.

<sup>49</sup> For the purposes of the role of the Virtual School Head and designated teacher, under the Children and Social Work Act 2017, previously looked-after children are those who: are no longer looked after by a local authority in England and Wales (as defined by the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014) because they are the subject of an adoption, special guardianship or child arrangements order; or were adopted from 'state care' outside England and Wales. <sup>50</sup> Section 20(3) of the Children and Young Persons Act 2008 and regulation 3 of the Designated Teacher (Looked-After Pupils etc) (England) Regulations 2009.

<sup>51</sup> Section 22(3B) of the Children Act 1989 requires local authorities in England to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children. That person (known as the Virtual School Head) must be an officer employed by the authority or another local authority in England.

<sup>52</sup> Pupil premium plus for previously looked after children is managed by their school. <sup>53</sup> All looked after children must have a personal education plan (PEP). This is part of the care plan that the local authority looking after the child must have in place and review regularly.

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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.<sup>54</sup>

194. Statutory guidance on [Promoting the education of looked-after and previously looked-after children](#) contains further information on the roles and responsibilities of Virtual School Heads.

195. In addition to their statutory duties, the role of Virtual School Heads was extended in June 2021, to include a non-statutory responsibility for the strategic oversight of the educational attendance, attainment, and progress of children with a social worker.

196. In offering advice and information to workforces that have relationships with

children with social workers, Virtual School Heads should identify and engage with key professionals, helping them to understand the role they have in improving outcomes for children. This should include designated safeguarding leads, social workers, headteachers, governors, Special Educational Needs Co-ordinators, mental health leads, other local authority officers, including Designated Social Care Officers for SEND, where they exist.

197. Non-statutory guidance on [promoting the education of children with a social worker](#) contains further information on the roles and responsibilities of Virtual School Heads.

### Care leavers

198. Local authorities have on-going responsibilities to the children who cease to be looked after and become care leavers.<sup>55</sup> That includes keeping in touch with them, preparing an assessment of their needs and appointing a Personal Advisor 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.

<sup>54</sup> Any person that has parental responsibility for the child; providers of funded early years education, designated teachers for previously looked-after children in maintained schools and academies, and any other person the authority considers appropriate for promoting the educational achievement of relevant children.

<sup>55</sup> A care leaver who is 16 or 17 (referred to in legislation as a 'relevant child' is defined in section 23A(2) of the Children Act 1989 as a child who is (a) not looked after (b) aged 16 or 17, and (c) was, before ceasing to be looked after by a local authority, looked after for a period of 13 weeks, or periods amounting in total to 13 weeks, beginning after they have reached the age of 14 and ended after they have reached the age of 16.

### Children with special educational needs, disabilities or health issues

199. Children with special educational needs or disabilities (SEND) or certain medical or physical health conditions can face additional safeguarding challenges both online and offline. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's condition without further exploration
- these children being more prone to peer group isolation or bullying (including prejudice-based bullying) than other children

- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs, and
- communication barriers and difficulties in managing or reporting these challenges.
- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in schools or colleges or the consequences of doing so.

200. Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or a deputy) and the SENCO or the named person with oversight for SEND in a college.

201. Schools and colleges should consider extra pastoral support and attention for these children, along with ensuring any appropriate support for communication is in place.

202. Further information can be found in the department's:

- [SEND Code of Practice 0 to 25 years](#), and
- [Supporting Pupils at School with Medical Conditions](#).

And from specialist organisations such as:

- The Special Educational Needs and Disabilities Information and Support Services (SENDIASS). SENDIASS offer information, advice and support for parents and carers of children and young people with SEND. All local authorities have such a service: [Find your local IAS service \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)
- [Mencap](#) - Represents people with learning disabilities, with specific advice and information for people who work with children and young people

## **Children who are lesbian, gay, bi, or trans (LGBT)**

203. The fact that a child or a young person may be LGBT is not in itself an inherent risk factor for harm. However, children who are LGBT can be targeted by other children. In some cases, a child who is perceived by other children to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

204. Risks can be compounded where children who are LGBT lack a trusted adult with whom they can be open. It is therefore vital that staff endeavour to reduce the additional barriers faced and provide a safe space for them to speak out or share their concerns

with members of staff.

205. LGBT inclusion is part of the statutory [Relationships Education, Relationship and Sex Education and Health Education](#) curriculum and there is a range of support available to help schools counter homophobic, biphobic and transphobic bullying and abuse.

## Part three: Safer recruitment

This part of the guidance has four sections providing schools and colleges with the legal requirements '**must** do', what they **should** do, what is considered **best practice** and **important information** about:

- i. [the recruitment and selection process](#)
- ii. [pre-appointment and vetting checks, regulated activity and recording of information](#)

- iii. [other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings](#), and,
- iv. [how to ensure the ongoing safeguarding of children and the legal reporting duties on employers](#).

## **i. Recruitment and selection process**

206. This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

207. It is vital that as part of their whole school or college approach to safeguarding governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.

208. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance.

209. The School Staffing (England) Regulations 2009<sup>56</sup> and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007<sup>57</sup> require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice

<sup>56</sup> [The School Staffing \(England\) Regulations 2009 \(legislation.gov.uk\)](#) regulation 9. <sup>57</sup> [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(legislation.gov.uk\)](#)

from the safeguarding partners in doing so.

## **Advert**

210. Schools and colleges should think about including the following information when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post, and

- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children. See page 61 for further information about regulated activity.

211. The advert should include:

- the school's or college's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The MOJ's guidance on the [Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#), provides information about which convictions must be declared during job applications and related exceptions and further information about filtering offences can be found in the [DBS filtering guide](#).

## Application forms

212. Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.<sup>58</sup>

213. Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

214. Schools and colleges should require applicants to provide:

<sup>58</sup> [Section 7\(1\)\(a\) of the SVGA 2006 \(Legislation.gov.uk\)](#).

- personal details, current and former names, current address and national insurance number
- details of their present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment

- qualifications, the awarding body and date of award
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

215. 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.

## Shortlisting

216. Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on [GOV.UK](https://www.gov.uk)

For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- if they are prohibited from taking part in the management of an independent school
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- if they are known to the police and children's local authority social care
- if they have been disqualified from providing childcare (see paras 263-267), and,
- any relevant overseas information.

217. This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

218. Applicants should be asked to sign a declaration confirming the information they

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have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

219. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview



before the DBS certificate is received.

220. Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach)
- consider any inconsistencies and look for gaps in employment and reasons given for them, and,
- explore all potential concerns.

221. In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks. See Part two - Legislation and the Law for information on data protection and UK GDPR.

## **Employment history and references**

222. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

223. Schools and colleges should:

- not accept open references e.g. to whom it may concern
- not rely on applicants to obtain their reference
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations)
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has

never worked with children, then ensure a reference from their current employer • always verify any information with the person who provided the

- reference • ensure electronic references originate from a legitimate source
- contact referees to clarify content where information is vague or insufficient information is provided
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate
- establish the reason for the candidate leaving their current or most recent post, and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

224. When asked to provide references, schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious. Further guidance on references, including on the position regarding low-level concerns, is set out in Part four. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

## **Selection**

225. Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children
- exploring their skills and asking for examples of experience of working with children which are relevant to the role, and,
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

226. The interviews should be used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal

- lack of recognition and/or understanding of the vulnerability of children •  
inappropriate idealisation of children
- inadequate understanding of appropriate boundaries between adults and children, and,
- indicators of negative safeguarding behaviours.

227. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

228. Pupils/students should be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

229. All information considered in decision making should be clearly recorded along with decisions made.

## ii. Pre-appointment vetting checks, regulated activity and recording information

230. This section provides the legal requirements that governing bodies and proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). These checks should be seen as part of the wider whole school or college safeguarding regime, which will continue following appointment. This section also explains what information schools and colleges **must** record on the single central record.

231. The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post 16 Education: **16-19 Academies, Special Post-16 institutions and Independent Training Providers**. Some safer recruitment regulations do not apply to these providers and as such some of the “musts” for colleges do not apply to them. These checks are an essential part of safeguarding, carried out to help employers check the suitability of candidates. Therefore, the providers set out above **should** carry out these pre-appointment checks. This has been made clear via footnotes.

232. All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. All schools and colleges **must**:

- verify a candidate’s identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk)

website<sup>59</sup>

- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children).<sup>60 61</sup>  
<sup>62 63</sup> Note that when using the DBS update service, you still need to obtain the original physical certificate (see paragraphs 249-252)<sup>64</sup>
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available; See paragraph 261-262 on how to obtain a separate children's barred list check. **This does not apply to 16-19 Academies, Special Post-16 institutions and Independent Training Providers**<sup>65</sup>
- verify the candidate's mental and physical fitness to carry out their work responsibilities.<sup>66</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>67,68</sup>
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the [GOV.UK](https://www.gov.uk) website

<sup>59</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should verify the candidate's identity.

<sup>60</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers must carry out a DBS check with barred list information as per their funding agreement.

<sup>61</sup> Where the individual will be or is engaging in regulated activity, schools and colleges will need to ensure that they confirm on the DBS application that they have the right to barred list information.<sup>62</sup> Regulations 12 and 24 of [The School Staffing \(England\) Regulations 2009](#) for maintained schools also apply to the management committee of pupil referral units through the [Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007](#). Part 4 of the Schedule to [The Education \(Independent School Standards\) Regulations 2014](#) applies to independent schools, including free schools and academies. The Schedule to [The Non-Maintained Special Schools \(England\) Regulations 2015](#) applies to non-maintained special schools.

<sup>63</sup> Regulation 5 of [The Further Education \(Providers of Education\) \(England\) Regulations 2006](#) applies to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff (other than agency staff) who move from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

<sup>64</sup> See the status checking section of the [DBS update service employer guide](#)

<sup>65</sup> A separate barred list check is not available to these providers. As such they should not allow an individual to start work in regulated activity until they obtain an enhanced DBS plus barred list check.

<sup>66</sup> [Education \(Health Standards\) \(England\) Regulations 2003](#)

<sup>67</sup> See legislation.gov.uk [Section 60 of the Equality Act 2010](#).

<sup>68</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should - verify the candidate's mental and physical fitness to carry out their work responsibilities, check the person's right to

work in the UK; make further checks if the candidate has lived or worked outside the UK and verify professional qualifications where appropriate.

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- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see 280-285) and,
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- independent schools, including academies and free schools, **must** check that a person taking up a management position as described at paragraph 256 is not subject to a section 128 direction made by the Secretary of State
- all schools **must** ensure that an applicant to be employed to carry out teaching work<sup>69</sup> is not subject to a prohibition order issued by the Secretary of State (see paragraph 253) for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE (see paragraph 255), before its abolition in March 2012
- before employing a person to carry out teaching work in relation to children, colleges **must**<sup>70</sup> take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State
- all schools and colleges providing childcare<sup>71</sup> **must** ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations. Further details about the application of these arrangements are provided at paragraphs 263-267.

## Applicant moving from previous post

233. 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, in a school in England, in a post:

<sup>69</sup> [The Teachers' Disciplinary \(England\) Regulations 2012](#) define teaching work as: planned and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. <sup>70</sup> Where

employing teachers 16-19 Academies, Special Post-16 institutions and Independent Training Providers should contact [employer.access.gov.uk](https://www.employeraccess.gov.uk) to check that the individual is not prohibited from teaching.

<sup>71</sup> [Childcare Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk) section 76(2).

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- which brought the person regularly into contact with children, or
  - to which the person was appointed on or after 12<sup>th</sup> May 2006 and which did not bring the person regularly into contact with children or young persons, or
- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

234. For a college<sup>72</sup> 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:

- a school in England in a position which brought him or her regularly into contact with children aged under 18, or
- 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.

235. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools or colleges should carefully consider if it would be appropriate to request one, to ensure they have up to date information. Schools and colleges **must** still carry out all other relevant pre-appointment checks (as listed at paragraph 232), including where the individual is engaging in regulated activity with children, a separate children's barred list check (see paragraph 262 on how to carry out a barred list check).

## Regulated activity

236. In summary, a person will be engaging in regulated activity with children 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
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children, or

<sup>72</sup> The three-month rule does not apply for 16-19 Academies, Special Post-16 institutions and Independent Training Providers. An enhanced DBS certificate (with barred list information where appropriate) is required.

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- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity below.





## 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 [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>73</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:
  - o 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>74</sup>
  - o health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

<sup>73</sup> The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

## Types of DBS checks

237. These are the types of checks available.

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard DBS check** –this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by the police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.<sup>75</sup>
- **Enhanced DBS check with children’s barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children’s barred list, along with a check of the Police National Computer records plus additional information held by the police as above. The position being applied for or activities being undertaken **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check **can** also include information as to whether an individual is subject to a section 128

<sup>74</sup> It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

<sup>75</sup> This legislation does not provide a list of job roles that are eligible for this check – such a list does not exist. Instead, [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) sets out the ‘exempted questions’ for which a Standard DBS check can be obtained. Similarly, [The Police Act 1997 \(Criminal Records\) Regulations 2002](#) set out the purposes for which an Enhanced DBS check can be obtained, and [The Police Act 1997 \(Criminal Records\) \(No 2\) Regulations 2009](#) list the circumstances in which an application for an Enhanced DBS check can also include suitability information relating to children (a children’s barred list check and confirmation as to whether an individual is subject to a s.128 direction). It is important to note that the Regulations can also remove roles, duties or activities through the removal of an exempted question or of a particular purpose. Any individual (including an applicant for a

job which does not involve working with children) can be asked to apply for a Basic criminal record check. This will show only unspent convictions and cautions. Further details can be found on [gov.uk](http://gov.uk).

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direction. However, they have to use specific wording in the position applied for field (see paragraph 259).

### Considering which type of check is required

238. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

239. For all other staff (e.g. contractors) 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.

240. Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity.

241. The flowchart below (page 65) provides more information on the decision making process.

242. Where a DBS certificate is required, it **must** be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service (see paragraph 249 - 252).

243. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on [GOV.UK](http://GOV.UK).

244. Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on the recruitment of ex-offenders.

245. When assessing any disclosure information on a DBS certificate, schools and colleges should take into consideration the explanation from the applicant, including for example:

- the seriousness of any offence and relevance to the post applied for •  
how long ago the offence occurred
- whether it was a one-off incident or a history of incidents
- the circumstances around the incident, and,

- whether the individual accepted responsibility for their actions.

246. The school or college should also consider the incident in the context of the

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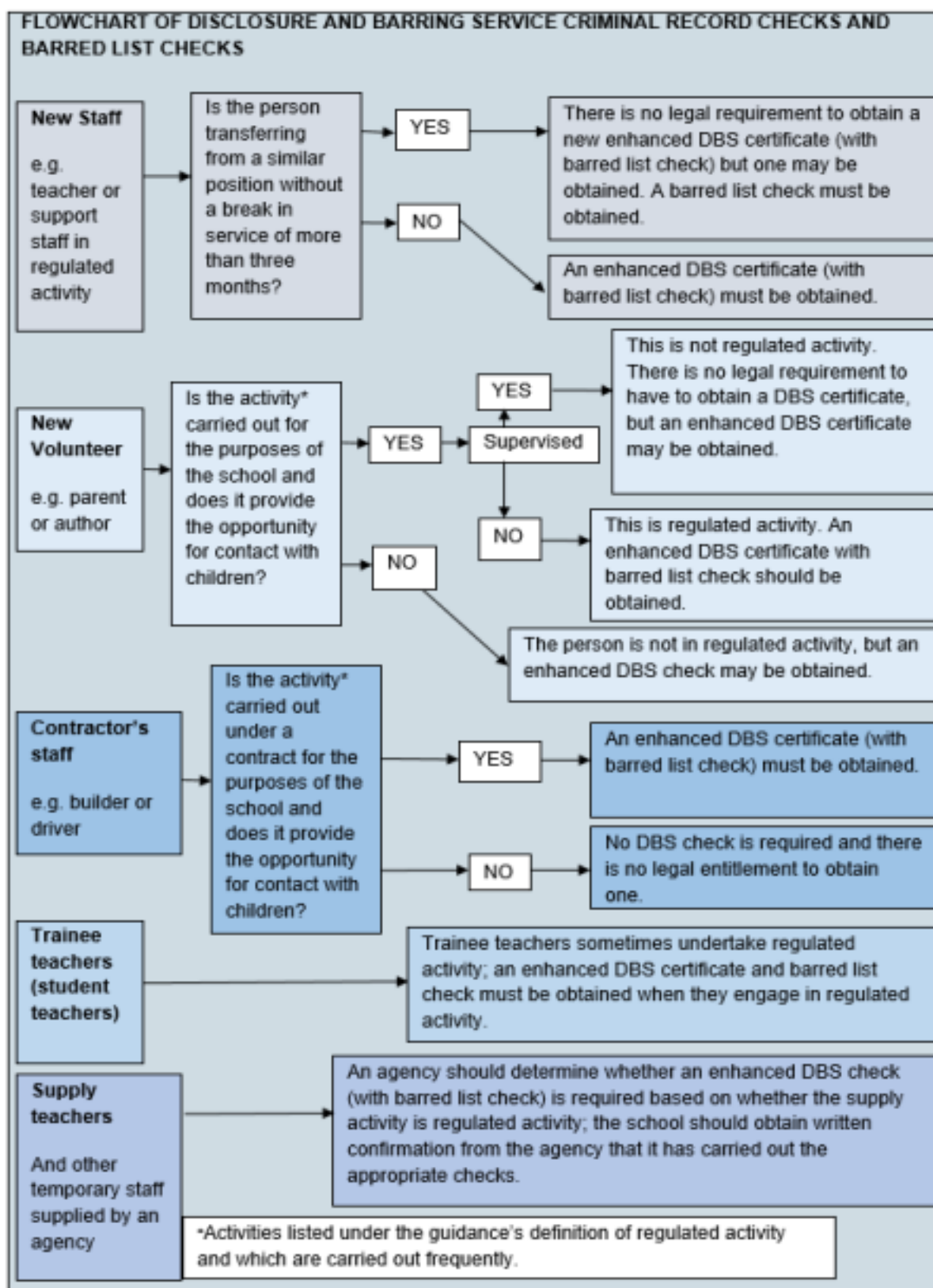
[Teachers' standards](#) and [Teacher misconduct guidance](#), if the applicant is applying for a teaching post.

247. Where a school or college allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out **all other** checks, including a separate **children's barred list check**<sup>76</sup>, see paragraph 261 -262.

248. Separate barred list checks **must** only be carried out in the following circumstances:

- 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) (and where all other relevant checks as per paragraph 232 have been carried out), or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks as per paragraph 232 have been carried out).

<sup>76</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers do not have access to standalone barred list check and as such should not allow someone to start work in regulated activity without an enhanced DBS certificate (with barred list information).



## DBS Update Service

249. Individuals can join the DBS Update Service<sup>77</sup> at the point that an application for a

new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

250. As good practice, many schools and colleges require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advice whether the individual should apply for a new DBS check, and,
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

251. Before using the Update Service, schools and colleges **must**:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check
- confirm the DBS certificate matches the individual's identity
- examine the original certificate to ensure that it is valid for employment with the children's workforce, and,
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

252. Further information about the Update Service, including when updated information can be used, can be found on [GOV.UK](https://www.gov.uk).

<sup>77</sup> [DBS Update Service - GOV.UK \(www.gov.uk\)](https://www.gov.uk), please note there is an annual fee for applicants using the update service.

## Secretary of State teacher prohibition, and interim prohibition orders<sup>78</sup>

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253. Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England. Further information about the duty to consider referring to the Teaching Regulation Agency (TRA) can be found at paragraph 351. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publications "[Teacher misconduct: disciplinary procedures for the teaching profession](#)" and "[Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession](#)".

254. A person who is prohibited **must not** be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012) (see footnotes 78 and 79).

## Historic General Teaching Council for England (GTCE) sanctions and restrictions

255. There are a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012). See paragraph 262 for login details to the TRA Secure Access system where GTCE checks can be made.

<sup>78</sup> Prohibition orders are made by the Secretary of State under section [141B of the Education Act 2002](#). [The Teachers' Disciplinary \(England\) Regulations 2012](#) apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work.

<sup>79</sup> The School Staffing (England) Regulations 2009, the Non-Maintained Special Schools (England) Regulations 2015 and the Education (Independent School Standards) Regulations 2014 require governing bodies or proprietors (of schools and sixth form colleges) to check that a person to be appointed is not subject to an interim prohibition order. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, before employing a person to carry out teaching work in relation to children, colleges must take reasonable steps to establish whether that person is subject to an interim prohibition order made under section 141B of the Education Act 2002.



## Secretary of State section 128 direction

256. A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school, or
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

257. There is no exhaustive list of roles that might be regarded as 'management' for the purpose of determining what constitutes management in an independent school. The Department's view is that roles involving, or very likely to involve, management of a school include (but are not limited to) headteachers, principals, deputy/assistant headteachers, governors and trustees. It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.<sup>80</sup>

258. The grounds on which a section 128 direction may be made by the Secretary of State are set out in The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014<sup>81</sup> made under section 128 of the Education and Skills Act 2008.

259. A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, provided that 'child workforce independent schools' is specified on the application form as the position applied for. Where a person 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 TRA's Employer Access service.

260. A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.<sup>82</sup>

<sup>80</sup> The Independent Educational Provision in England (Prohibition on Participation in Management) [Regulations 2014](#).

<sup>81</sup> See the 2014 Regulations: <https://www.legislation.gov.uk/ukxi/2014/1977/regulation/1/made> <sup>82</sup>  
As barred list information is required to be requested only for those school governors who are engaging in regulated activity, when proposing to recruit a governor who will not work in regulated activity, schools and colleges should use the Secure Access Portal to check whether the person is

barred as a result of being prohibited under s.128.

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## **How to check TRA, Teacher Employer Access service for prohibitions, directions, sanctions and restrictions**

261. Schools and colleges<sup>83</sup> can use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks. The service is free to use and is available via the TRA's [web page](#). Users will require a DfE Sign-in account to log onto the service.

262. Further information about obtaining a DfE Sign-in account and using the Employer Access service to carry out a range of 'teacher status checks'<sup>84</sup> including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found on [GOV.UK](#).

## **Childcare disqualification**

263. Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.

264. The childcare disqualification arrangements apply to staff working with young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites.

265. The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care.

266. For staff who work in childcare provision, or who are directly concerned with the management of such provision, employers need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the [Childcare Disqualification Regulations 2018](#).

267. Further information on the staff to whom these Regulations apply, the checks that should be carried out, and the recording of those checks can be found in statutory guidance [Disqualification under the Childcare Act 2006](#).

<sup>83</sup> Where employing teachers 16-19 Academies, Special Post-16 institutions and Independent Training Providers should contact [employer.access.gov.uk](#) to check that the individual is not prohibited from teaching. They must also obtain an enhanced DBS with barred list information for those working in regulated activity.

<sup>84</sup> The Teacher Services' system can also be used to check for the award of qualified teacher status (QTS) and the completion of teacher induction or prohibition.

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## Recording information

### Single central record

268. Schools and colleges **must**<sup>85</sup> maintain a single central record of pre-appointment checks, referred to in the Regulations<sup>86</sup> as “the register” and more commonly known as “the single central record”.

269. The single central record **must** cover the following people:

- **for schools, all** staff, including teacher trainees on salaried routes (see paragraph 296), agency and third-party supply staff, even if they work for one day, (see paragraph 286)
- **for colleges**, details of staff, including agency and supply staff providing education to children under the age of 18, 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.

270. The minimum information that **must** be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below. For agency and third party supply staff, schools and colleges **must** 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, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.<sup>87</sup>

271. The single central record **must** indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check, (identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk) website)

<sup>85</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should maintain a single central record. Information they should record is set out at paragraphs 271. As with other schools and colleges they may record the information as set out at paragraphs 273.

<sup>86</sup> 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); Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; and 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.

<sup>87</sup> Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.

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- a standalone children's barred list check<sup>88</sup>
- an enhanced DBS check (with children's barred list check) requested/certificate provided
- a prohibition from teaching check<sup>89</sup>
- further checks on people who have lived or worked outside the UK (see paragraphs 280-285)
- a check of professional qualifications, where required, and,
- a check to establish the person's right to work in the United Kingdom.

In addition:

- colleges<sup>90</sup> **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, and
- independent schools (including academies and free schools) **must** record details of the section 128 checks undertaken for those in management positions.

272. The details of an individual should be removed from the single central record once they no longer work at the school or college.

### **Non statutory information**

273. Schools and colleges are free to record any other information they deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements
- checks made on volunteers
- checks made on governors
- dates on which safeguarding and safer recruitment training was undertaken, and • the name of the person who carried out each check.

<sup>88</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers cannot carry out a separate barred list check and as such, in relation to regulated activity, must always obtain an enhanced

DBS with barred list check where required.

<sup>89</sup> There is no requirement for colleges to record this information, however, as part of the funding agreement colleges must have robust record keeping procedures in place.

<sup>90</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers are not required to record whether the person's position involves 'relevant activity'. However, these providers should have robust record keeping procedures in place.

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

### **Multi Academy Trusts (MATs)**

275. MATs **must** maintain the single central record detailing checks carried out in each academy within the MAT. Whilst there is no requirement for the MAT to maintain an individual record for each academy, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to inspect that information, including by inspectors.

### **Retention of documents**

276. Copies of documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file as per the advice at paragraph 232.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10. To help schools and colleges comply with the requirements of the Data Protection Act 2018, when a school or college chooses to retain a copy, there should be a valid reason for doing so and it should not be kept for longer than six months. When the information is destroyed a school or college may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to. Schools and colleges **do not have** to keep copies of DBS certificates, in order to fulfil the duty of maintaining the single central record.

277. Further information on handling DBS information can be found on [GOV.UK](https://www.gov.uk).

### **iii. Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings**

278. This section sets out other legal requirements i.e. 'must' do or as appropriate 'should' do for individuals who have lived or worked outside the UK; agency and third party staff; contractors; trainee teachers; volunteers; governors and proprietors. It also sets out responsibilities placed on schools and colleges in relation to other settings, including alternative provision, work experience and host families.

## Individuals who have lived or worked outside the UK

279. Individuals who have lived or worked outside the UK **must**<sup>91</sup> undergo the same checks as all other staff in schools or colleges (set out in paragraphs 232). This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges **must**<sup>92</sup> make any further checks **they think appropriate** so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks **could** include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on [GOV.UK](https://www.gov.uk); and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the [Regulated Professions database](#). Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place, therefore applicants can also contact the [UK Centre for Professional Qualifications](#) who will signpost them to the appropriate EEA regulatory body.

280. **Where available**, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

281. **Where this information is not available** schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

282. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be

<sup>91</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure individuals undergo the same checks.

<sup>92</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should make any further checks

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found in DfE Guidance: [Recruit teachers from overseas](#).

283. Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools and colleges should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on [GOV.UK](#).

284. Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available [here](#). It is important to note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

### **Agency and third-party staff (supply staff)**

285. Schools and colleges **must**<sup>93</sup> obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery).<sup>94</sup> In respect of the enhanced DBS check, schools and colleges **must**<sup>95</sup> ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

286. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college **must**<sup>96</sup> obtain a copy of the certificate from the agency.

<sup>93</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain written notification regarding checks when they use agency or third-party staff.

<sup>94</sup> Colleges must comply with regulations 11 to 19 of The Further Education (Providers of Education)

(England) Regulations 2006 in respect of agency workers; maintained schools must comply with regulations 18 and 30 of the School Staffing (England) Regulations 2009; non-maintained special schools must comply with paragraphs 5 and 16 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015; and independent schools (including academies and free schools) must comply with paragraph 19 of the Schedule to The Education (Independent School Standards) Regulation 2014.<sup>95</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

<sup>96</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain a copy of the certificate in such circumstances.

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287. Where the position requires a children's barred list check, this **must**<sup>97</sup> be obtained by the agency or third party by obtaining an enhanced DBS certificate with children's barred list information, prior to appointing the individual.

288. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made.

## Contractors

289. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

290. 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 relating to children will require an enhanced DBS check (including children's barred list information).

291. For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.<sup>98</sup> In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate.

292. Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

293. If an individual working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

294. Schools and colleges should always check the identity of contractors on arrival at the school or college.



<sup>97</sup> Where using a third party 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure a DBS with barred list information is obtained for those engaging in regulated activity.

<sup>98</sup> It will only be possible to obtain an enhanced DBS certificate for contractors in colleges which are exclusively or mainly for the provision of full-time education to children.

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## Trainee/student teachers

295. Where applicants for initial teacher training are salaried by the school or college, the school or college **must**<sup>99</sup> ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) **must**<sup>100</sup> be obtained.

296. 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.

297. There is no requirement for the school or college to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information, see paragraph 273.

## Visitors

298. Schools and colleges have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day. For visitors provided via a third party see paragraphs 286-289.

299. Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

300. Headteachers and principals should use their professional judgement about the need to escort or supervise such visitors.

301. For visitors who are there in a professional capacity schools and colleges should check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks. Schools and

colleges should not ask to see the certificate in these circumstances).

302. Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, careful consideration should be given to the suitability of any external organisations.

<sup>99</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure all necessary checks are carried out.

<sup>100</sup> 16-19 Academies, Special Post-16 institutions and Independent Training Providers must ensure an enhanced DBS check with barred list information is obtained as per their funding agreement.

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303. School and college safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

## Volunteers

304. Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

305. Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

306. The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability, and
- whether the role is eligible for a DBS check, and if it is, the level of the check, for volunteer roles that are not in regulated activity.

307. Details of the risk assessment should be recorded.<sup>101</sup>

### **When should a DBS with barred list be obtained for volunteers<sup>102</sup>?**

308. Schools or colleges should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated

activity with children, i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges. See Annex E for statutory supervision guidance. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

<sup>101</sup> Schools and colleges are free to determine where to store this information.

<sup>102</sup> The DBS does not charge for checks on volunteers. However, if schools or colleges use an external organisation to carry out the check, there may be an administration charge.

## Supervision of volunteers

309. It is for schools and colleges to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, all schools and colleges<sup>103</sup> **must** have regard to the statutory guidance issued by the Secretary of State (replicated at Annex E).

310. For a person to be considered supervised, the supervision **must** be:

- by a person who is in regulated activity relating to children<sup>104</sup>
- regular and day to day, and
- reasonable in all the circumstances to ensure the protection of children.

## Existing volunteers

311. Volunteers do not have to be re-checked if they have already had a DBS check (which should include children's barred list information if engaging in regulated activity). However, if the school or college have any concerns, they should consider obtaining a new DBS check at the level appropriate to the volunteering role.

## Maintained school governors

312. Governors in maintained schools are required to have an enhanced DBS check.<sup>105</sup> It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.

313. Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

314. Schools should also carry out a section 128 check for school governors, because a

person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using the free Employer Secure Access sign-in portal via the TRA Teacher Services web page, schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, but they can if they chose to.

<sup>103</sup> This also applies to 16-19 Academies, Special Post-16 institutions and Independent Training Providers <sup>104</sup> It should be noted that if the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

<sup>105</sup> The School Governance (Constitution) (England) Regulations 2012 were amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 to include this requirement.

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315. Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

### **Sixth form college governors**

316. Governing bodies in sixth form colleges can request an enhanced DBS check without a children's barred list check.

317. An enhanced DBS check with children's barred list information should only be requested if the governor will be engaging in regulated activity relating to children.

### **Proprietors of independent schools, including academies and free schools and proprietors of alternative provision academies<sup>106</sup>**

318. Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:<sup>107 108</sup>

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate)<sup>109</sup>
- confirm the individual's identity, and
- if the individual lives or has lived outside of the UK, where applying for an

enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

319. The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.<sup>110</sup>

320. The requirement for an enhanced DBS check and certificate is disapplied for the

<sup>106</sup> The proprietor of an academy or free school or alternative provision academy or free school is the academy trust.

<sup>107</sup> Paragraph 20 of the Schedule to the Education (Independent Schools Standards) Regulation 2014.

<sup>108</sup> This will include an academy trust of any academy or free school, other than for 16-19 academies or free schools.

<sup>109</sup> Regulation 2(5) of the Education (Independent School Standards) Regulations 2014 sets out when such checks are considered relevant.

<sup>110</sup> Paragraphs 6 and 17 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015.