

# **Keeping children safe in education**

**Statutory guidance for schools  
and colleges**

**September 2020**

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

## COVID-19

The department issued non-statutory interim guidance on safeguarding in schools, colleges and other providers during the coronavirus outbreak. This guidance has now been withdrawn as the government expects all settings across the nation to reopen for the new academic year in September, with full availability to all learners. Requirements for local interventions in educational settings will continue to be reviewed.

## 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](#);
- departmental advice [What to do if you are Worried a Child is Being Abused - Advice for Practitioners](#); and
- departmental advice [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#)

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> It relates to their responsibilities towards children who are receiving education or training at the college. It excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

## Who this guidance is for

This statutory guidance should be read and followed by:

- governing bodies of maintained schools (including maintained nursery schools) and colleges;
- 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; and
- management committees of pupil referral units (PRUs).

The above persons should ensure that **all staff** in their school or college **read** at least Part one of this guidance. The above persons should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of this guidance.

This guidance replaces Keeping Children Safe in Education September 2019.

A table of changes is included at Annex H. We have made changes in three circumstances. Firstly, where legislation has required it e.g. reflecting mandatory Relationship Education, Relationship and Sex Education and Health Education from September 2020. Secondly, where we have helpful additional information that will support schools and colleges protect their children e.g. mental health, domestic abuse, child criminal and sexual exploitation and county lines. Finally, important clarifications which will help the sector better understand and/or follow our guidance.

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1. 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 18 for further detail on this requirement).
  2. Under section 28 of the Further and Higher Education Act 1992 ('designated institutions').

# 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 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 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, and prevent concerns from escalating.
7. **All** staff have a responsibility to provide a safe environment in which children can learn.

8. **All** staff should be prepared to identify children who may benefit from early help.<sup>3</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 a concern about a child's welfare should follow the referral processes set out in paragraphs 41-53. 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 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>4</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;
- behaviour policy;<sup>5</sup>
- staff behaviour policy (sometimes called a code of conduct);
- safeguarding response to children who go missing from education; and
- 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 of this document should be provided to staff at induction.

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3. Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).  
4. 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.  
5. 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.

14. **All** staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.
15. **All** staff should be aware of their local early help <sup>6</sup> process and understand their role in it.
16. **All** staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments. <sup>7</sup>
17. **All** staff should know what to do if a child tells them he/she is being abused 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 children's social care. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

## What school and college staff should look out for

### Early help

18. **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 and has specific additional needs;
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan);
- 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;
- is frequently missing/goes missing from care or from home;
- is at risk of modern slavery, trafficking or exploitation;
- is at risk of being radicalised or exploited;
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse;

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<sup>6</sup>. Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).  
<sup>7</sup>. More information on statutory assessments is included at paragraph 48. Detailed information on statutory assessments can be found in Chapter 1 of [Working Together to Safeguard Children](#).

- is misusing drugs or alcohol themselves;
- has returned home to their family from care; and
- is a privately fostered child.

## Abuse and neglect

19. Knowing what to look for is vital to the early identification of abuse and neglect. **All** staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. If staff are unsure, they should **always** speak to the designated safeguarding lead (or deputy).
20. **All** school and college staff should be aware that abuse, neglect and safeguarding issues are rarely stand-alone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.
21. **All** staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside of these environments. **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 exploitation, criminal exploitation, and serious youth violence.

## Indicators of abuse and neglect

22. **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. 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.
23. **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.
24. **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.

25. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of 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 (see paragraph 29).
26. **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 care-givers); 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**

27. **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, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

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

28. Both CSE and CCE are forms of abuse and both occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator. The abuse can be perpetrated by individuals or groups, males or

females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online. More information include definitions and indicators are included in Annex A.

### Peer on peer abuse

29. **All** staff should be aware that children can abuse other children (often referred to as peer on peer abuse). This is most likely to include, but may not be limited to:
- bullying (including cyberbullying);
  - physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
  - sexual violence,<sup>8</sup> such as rape, assault by penetration and sexual assault;
  - sexual harassment,<sup>9</sup> such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse;
  - upskirting,<sup>10</sup> which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
  - sexting (also known as youth produced sexual imagery); and
  - initiation/hazing type violence and rituals.
30. **All** staff should be clear as to the school's or college's policy and procedures with regards to peer on peer abuse.

### Serious violence

31. All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, 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.
32. All staff should be aware of the associated risks and understand the measures in place to manage these. Advice for schools and colleges is provided in the Home

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8. For further information about sexual violence see Annex A.

9. For further information about sexual harassment see Annex A.

10. For further information about 'upskirting' see Annex A.

Office's [Preventing youth violence and gang involvement](#) and its [Criminal exploitation of children and vulnerable adults: county lines](#) guidance <sup>11</sup>.

## Female Genital Mutilation

33. Whilst **all** staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific **legal duty on teachers**. <sup>12</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. See Annex A for further details.

## Mental Health

34. All staff should also 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.
35. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. 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.
36. Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education.
37. 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.
38. The department has published advice and guidance on [Preventing and Tackling Bullying](#), and [Mental Health and Behaviour in Schools](#) (which may also be useful for colleges). In addition, Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among young people including its guidance [Promoting children and young people's emotional health and wellbeing](#). Its resources include social media, forming positive relationships, smoking and alcohol. See [Rise Above](#) for links to all materials and lesson plans.

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<sup>11</sup>.For further information about county lines see Annex A

<sup>12</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).

## Additional information and support

39. 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.
40. **Annex A** contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read the annex.

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

41. 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.
42. If staff have **any concerns** about a child's welfare, they should act on them immediately. See page 17 for a flow chart setting out the process for staff when they have concerns about a child.
43. If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).
44. Options will then include:
- managing any support for the child internally via the school's or college's own pastoral support processes;
  - an early help assessment;<sup>13</sup> or
  - a referral for statutory services,<sup>14</sup> for example as the child might be in need, is in need or suffering or likely to suffer harm.

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13. Further information on early help assessments, provision of early help services and accessing services is in Chapter

1. of [Working Together to Safeguard Children](#).

14. 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

45. The designated safeguarding lead or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or 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 children's social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or deputy) as soon as is practically possible.
46. Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). 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 promote the welfare, and protect the safety of children.

### Early help

47. If early help is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. 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 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 assessments

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

### Children in need

A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and

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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.

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**

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, including all forms of abuse and neglect, female genital mutilation or other so-called honour based violence, and extra-familial threats like radicalisation and sexual exploitation.

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

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

50. Within one working day of a referral being made, a local authority social worker should acknowledge 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;
- the child is in need, and should be assessed under section 17 of the Children Act 1989;
- 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;
- any services are required by the child and family and what type of services;
- further specialist assessments are required to help the local authority to decide what further action to take; and
- to see the child as soon as possible if the decision is taken that the referral requires further assessment.

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

52. 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 deputy) as required).

53. 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.

## Record keeping

54. All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

### Why is all of this important?

55. It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action.<sup>15</sup> 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;
- sharing information too slowly; and
- a lack of challenge to those who appear not to be taking action.

### What school and college staff should do if they have safeguarding concerns about another staff member who may pose a risk of harm to children

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

- this should be referred to the headteacher or principal;
- where there are concerns/allegations 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 concerns/allegations about the headteacher, where the headteacher is also the sole proprietor of an independent school, this should be reported directly to the designated officer(s) at the local authority.

Further details can be found in Part four of this guidance.

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<sup>15</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)

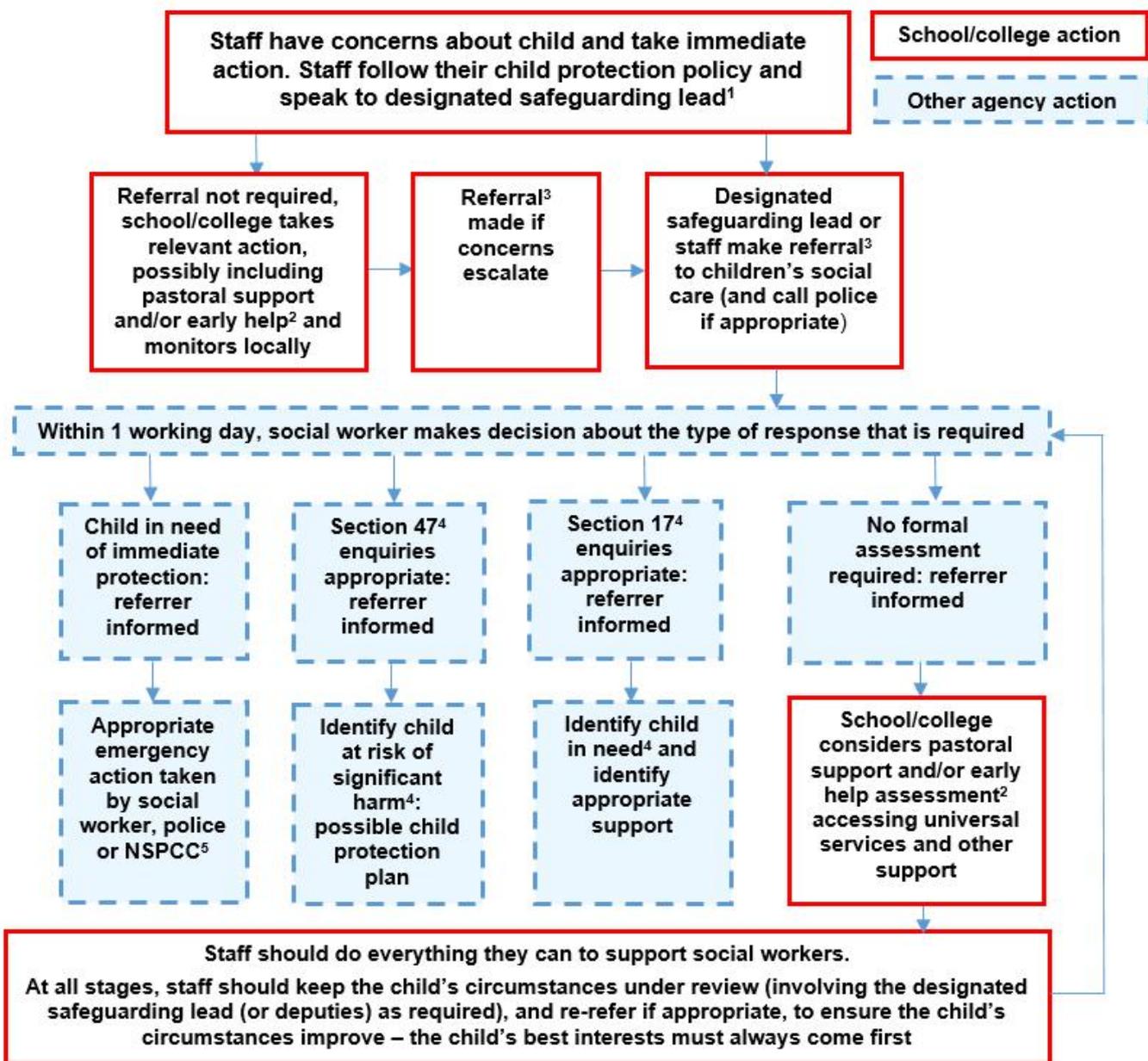
## What school or college staff should do if they have concerns about safeguarding practices within the school or college

57. 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.
58. Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school's or college's senior leadership team.
59. 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 may be open to them:
  - general guidance on whistleblowing can be found via: [Advice on Whistleblowing](#); and
  - 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 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>16</sup>

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<sup>16</sup> Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

## Actions where there are concerns about a child



1. In cases which also involve a concern or an allegation of abuse against a staff member, see Part Four of this guidance.
2. 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.
3. 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](#).
4. 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](#).
5. This could include applying for an Emergency Protection Order (EPO).

## Part two: The management of safeguarding

### The responsibility of governing bodies, proprietors and management committees

#### Legislation and the law

60. Governing bodies and proprietors <sup>17</sup> (in Part two, unless otherwise stated, includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance, ensuring that policies, procedures and training in their schools or colleges are effective and comply with the law at all times. <sup>18</sup>
61. 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>19</sup>

#### Safeguarding policies and procedures

62. 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.
63. This should include:
  - Individual schools and colleges having an effective child protection policy. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed multi-agency safeguarding arrangements put in place by the three safeguarding partners. It should be

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<sup>17</sup>. In the case of academies, free schools and alternative provision academies the proprietor will be the academy trust.

<sup>18</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. 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>19</sup>. Chapter 2 of [Working Together to Safeguard Children](#).

updated annually (as a minimum), and be available publicly either via the school or college website or by other means.

- A staff behaviour policy (sometimes called the code of conduct) which should, amongst other things, include: acceptable use of technologies, staff/pupil relationships and communications including the use of social media. <sup>20</sup>
- Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or exploitation, and to help prevent the risk of them going missing in future.
  - Where reasonably possible, schools and colleges should hold more than one emergency contact number for each pupil or student. This goes beyond the legal minimum <sup>21</sup> and is good practice to give the school or college additional options to make contact with a responsible adult when a child missing education is also identified as a welfare and/or safeguarding concern. Further information for schools can be found in the department's [School Attendance Guidance](#).
  - Further information on schools' duties regarding children missing education, including information schools must provide to the local authority when removing a child from the school 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](#).

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

65. Governing bodies and proprietors should take a proportionate risk-based

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20. 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 s/he does not teach the child.

21. See The Education (Pupil Registration) (England) Regulations 2006, available at [legislation.gov.uk](http://legislation.gov.uk).

approach to the level of information that is provided to temporary staff and volunteers.

66. Headteachers and principals should ensure that the above policies and procedures, adopted by governing bodies and proprietors, and particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff.

## The designated safeguarding lead

67. 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. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection. This should be explicit in the role-holder's job description (see Annex B, which describes the broad areas of responsibility and activities related to the role).
68. It is a matter for individual schools and colleges as to 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.
69. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for safeguarding and child protection, as set out above, remains with the designated safeguarding lead. This responsibility should not be delegated.
70. The designated safeguarding lead and any deputies should liaise with the three safeguarding partners and work with other agencies in line with [Working Together to Safeguard Children](#). [NPCC- When to call the police](#) should help designated safeguarding leads understand when they should consider calling the police and what to expect when they do.
71. During term time, the designated safeguarding lead and/or a deputy should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.
72. The designated safeguarding lead and any deputies should undergo training to provide them with the knowledge and skills required to carry out the role. The training should be updated every two years.
73. In addition to their formal training as set out above, their knowledge and skills should be updated (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, and at least annually, to keep up with any developments relevant to their role.

## Multi-agency working

74. 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](#).
75. New safeguarding partners and child death review partner arrangements are now in place. Locally, the three safeguarding partners (the local authority; a 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.
76. It is especially important that schools and colleges understand their role in the three safeguarding partner arrangements. Governing bodies, proprietors and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their local arrangements.
77. The three 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>22</sup> Relevant agencies are those organisations and agencies whose involvement that the three safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need. The three safeguarding partners will have set out in their published arrangements which organisations and agencies they will be working with and the expectations placed on any agencies and organisations by the arrangements.
78. The three safeguarding partners should make arrangements to allow all schools (including those in multi-academy trusts) and colleges in the local area to be fully engaged, involved and included in safeguarding arrangements. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and will reach their own conclusions on the best way to achieve the active engagement with individual institutions in a meaningful way.
79. If 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.

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<sup>22</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://www.legislation.gov.uk). Schools and colleges are included.

80. Governing bodies and proprietors should understand the local criteria for action<sup>23</sup> and the local protocol for assessment<sup>24</sup> and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the three safeguarding partners.<sup>25</sup>
81. Schools and colleges should work with 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. All schools and colleges should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

## Information sharing

82. Information sharing is vital in identifying and tackling all forms of abuse and neglect. 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 the three safeguarding partners, other organisations, agencies and practitioners as required. 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.
83. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018 and the GDPR place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.
84. 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

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23. 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, including 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.
24. 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 children's social care.
25. More details on information requests by the safeguarding partners is provided in Part 3 of [Working Together to Safeguard Children](#).

information, as provided for in the Data Protection Act 2018 and the 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 but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.
- for schools, not providing pupils' personal data where the serious harm test under the legislation is met <sup>26</sup>. For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harms test is met, they must withhold providing the data in compliance with schools' obligations under the Data Protection Act 2018 and the GDPR. Where in doubt schools should seek independent legal advice.

85. **The Data Protection Act 2018 and 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.**

86. 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 ICO GDPR FAQs and guidance from the department
- in [Data protection: toolkit for schools](#) - Guidance to support schools with data protection activity, including compliance with the GDPR.

87. Where children leave the school or college, the designated safeguarding lead

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<sup>26</sup> The harm test is explained on the Disclosure and Barring service website on [GOV.UK](#), Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, available at [legislation.gov.uk](#)

should ensure their child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.

88. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.

## **Staff training**

89. Governing bodies and proprietors should ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. Induction and training should be in line with advice from the local three safeguarding partners.
90. In addition, all staff should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.
91. Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

## **Online safety**

92. As schools and colleges increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and proprietors keep their children safe online (including when they are online at home) is provided in Annex C.

## **Opportunities to teach safeguarding**

93. Governing bodies and proprietors should ensure that children are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum.
94. This may include covering relevant issues for schools through Relationships

Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) which was made compulsory in September 2020. Schools have flexibility to decide how they discharge their duties effectively within the first year of compulsory teaching and are encouraged to take a phased approach (if needed) when introducing these subjects. The statutory guidance can be found here: [Statutory guidance: relationships education relationships and sex education \(RSE\) and health education](#). Colleges may cover relevant issues through tutorials. The following resources may help schools and colleges:

- DfE advice for schools: [teaching online safety in schools](#)
- UK Council for Internet Safety (UKCIS) <sup>27</sup> guidance: [Education for a connected-world](#)
- National Crime Agency's CEOP education programme: [Thinkuknow](#)
- Public Health England: [Rise Above](#)

95. Whilst it is essential that governing bodies and proprietors ensure that appropriate filters 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.

## Inspection

96. Since September 2019, 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.

97. 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](#).

98. 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](#).

## Safer recruitment

99. In line with Part three of this guidance, governing bodies and proprietors should prevent people who pose a risk of harm from working with children by adhering to

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<sup>27</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.

statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised. The school or college should have written recruitment and selection policies and procedures in place.

100. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.<sup>28</sup> Governing bodies of maintained schools may choose appropriate training and may take advice from the local three safeguarding partners in doing so. The training should cover, as a minimum, the content of this guidance.

## **What school and college staff should do if they have a safeguarding concern or an allegation is made about another staff member who may pose a risk of harm to children**

101. Governing bodies and proprietors should ensure there are procedures in place (as described in paragraph 56) to manage safeguarding concerns, or allegations against staff (including supply staff and volunteers) that might indicate they would pose a risk of harm to children.
102. Concerns including allegations that may meet the harms test should be addressed as set out in Part four of this guidance.
103. 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>29</sup>
104. **This is a legal duty and failure to refer when the criteria are met is a criminal offence.**<sup>30</sup> More detail is provided at paragraph 179.

## **Peer on peer abuse**

105. **All** staff should recognise that children are capable of abusing their peers. All staff should be clear about their school's or college's policy and procedures with regard to peer on peer abuse.
106. Governing bodies and proprietors should ensure that their child protection policy includes:

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28. Regulation 9 of the School Staffing (England) Regulations 2009.

29. Section 35 of the Safeguarding Vulnerable Groups Act 2006.

30. Section 38 of the Safeguarding Vulnerable Groups Act 2006.

- procedures to minimise the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and dealt with;
- clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”;
- recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
- the different forms peer on peer abuse can take, such as:
  - bullying (including cyberbullying);
  - 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;
  - upskirting, which typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
  - sexting (also known as youth produced sexual imagery): the policy should include the school’s or college’s approach to it. The department provides [Searching Screening and Confiscation Advice](#) for schools. The UK Council for Internet Safety (UKCIS) Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#); and
  - initiation/hazing type violence and rituals.

## The child’s wishes

107. 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. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the **best** interests of the child at heart.

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

108. Boarding schools, residential special schools, residential colleges and children's homes have additional factors to consider with regard to safeguarding. Schools and colleges that provide such residential accommodation and/or are registered as children's homes should be alert to inappropriate pupil or student relationships and the potential for peer on peer abuse, particularly in schools and colleges with a significant gender imbalance. Further details can be found at Annex D.

## **Children potentially at greater risk of harm**

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

109. Children may need a social worker due to safeguarding or welfare needs. Children may need this help due to abuse, neglect and 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.

110. 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.

111. Where children need a social worker, this should inform decisions about safeguarding (for example, responding to unauthorised absence or 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).

112. 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](#)' sets out action Government is taking to support this.

### **Children requiring mental health support**

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

114. 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.

115. 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.

More information can be found in the [mental health and behaviour in schools guidance](#), colleges may also wish to follow this guidance as best practice. Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among young people. See [Rise Above](#) for links to all materials and lesson plans.

116. The department is providing funding to support costs of a significant training programme for senior mental health leads and the national rollout of the [Link Programme](#). 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.

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

117. The most common reason for children becoming looked after <sup>31</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.

118. In particular, they should ensure that appropriate staff have 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>32</sup> should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child.

119. 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.

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31. 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.

32. In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

## The designated teacher

120. Governing bodies of maintained schools and proprietors of academies must appoint a designated teacher<sup>33</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>34</sup> The designated teacher must have appropriate training and the relevant qualifications and experience.<sup>35</sup> In other schools and colleges, an appropriately trained teacher should take the lead.
121. Statutory guidance contains further information on [The Role and Responsibilities of the Designated Teacher](#).

## Virtual school heads

122. Virtual school heads<sup>36</sup> manage pupil premium plus for looked after children;<sup>37</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>38</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.
123. 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 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

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33. 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.

34. 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.

35. 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.

36. 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.

37. Pupil premium plus for previously looked after children is managed by their school.

38. 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.

parties.<sup>39</sup>

124. Statutory guidance on [Promoting the Education of Looked After Children](#) contains further information on the roles and responsibilities of virtual school heads.

### Care leavers

125. Local authorities have on-going responsibilities to the young people who cease to be looked after and become care leavers.<sup>40</sup> That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. Designated safeguarding leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver, and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

### Children with special educational needs and disabilities

126. Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. 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 disability without further exploration;
- being more prone to peer group isolation than other children;
- the potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers.

To address these additional challenges, schools and colleges should consider extra pastoral support for children with SEN and disabilities.

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

127. There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term 'reasonable

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39. 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.

40. 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 s/he reached the age of 14 and ended after s/he reached the age of 16.

force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

128. Departmental advice for schools is available at [Use of Reasonable Force in Schools](#).
129. The department believes that the adoption of a 'no contact' policy at a school or college can leave staff unable to fully support and protect their pupils and students. It encourages headteachers, 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 and should always depend on individual circumstances.
130. When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010<sup>41</sup> in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.<sup>42</sup> By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

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1. [Advice for Schools](#) and [Advice for Further and Higher Education](#).

2. Compliance with the Public Sector Equality Duty (PSED) is a legal requirement for schools and colleges that are public bodies. The Equality and Human Rights Commission provides the following general guidance for schools that are subject to the [PSED](#).

