

## **Draft Keeping Children Safe in Education (2020)**

There is an earlier post about this new consultation and here is some further information that I hope you will find helpful.

This week the consultation draft for Keeping Children Safe in Education (2020) was published. There are six recurring themes that come through:

- mental health
- whole school safeguarding culture
- emphasising the important role of governors in robust safeguarding
- children who have a social worker
- safer recruitment (including supply teachers)
- role of the Designated Safeguarding Lead

### **Whole school culture of safeguarding**

There are a number of new paragraphs that are important, for example paragraph 69 which says, 'Governing bodies and proprietors should ensure they facilitate a whole school or college approach to safeguarding.' This means governors must know how they ensure safeguarding is effective and know what good practice would look like. Allied to this is paragraph 106, 'Governors and proprietors should ensure...that safeguarding training for staff...is integrated, aligned and considered as part of the whole school or college safeguarding approach.'

### **When schools should call the police**

When to call the police (NPCC) can be downloaded here:

<https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20the%20police%20guidance%20for%20schools%20and%20colleges.pdf>

### **Safer recruitment and managing allegations against staff**

One of the most changed sections in this proposed KCSIE (2020) is Part Three, Safer Recruitment. The draft KCSIE now includes new, detailed sections on each stage of the recruitment process:

- Advert
- Application forms
- Shortlisting
- Employment history and references
- Selection

There is an emphasis on the role of governors: 'As part of this culture of safeguarding it is important that governors 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.' (see paragraph 169) Note the emphasis on volunteers too.

The harm test in part four, allegations made against staff, has had a fourth bullet point added: [where a staff member has] 'behaved or may have behaved in a way that indicates they may not be suitable to work with children'. This is to take account of situations where a person's behaviour outside school may suggest 'transferable risk'. For example, where a member of staff or volunteer is involved in an incident outside of school which did not involve children but could have an impact on their suitability to work with children'. (see paragraph 310/and page 136)

### **Overseas Checks**

There is more clarity about when to complete checks on staff who have lived or worked overseas and what to do if you can't get an overseas police check.

Paragraph 240 says, 'It is good practice to carry out checks for individuals who have lived or worked abroad for more than three months during their adult life'. Where these checks cannot be completed, schools should carry out a risk assessment. In keeping with the intention for KSCIE to take learning from serious cases, there is a warning here (paragraph 242) that the nature and detail of the information that is disclosed varies from country to country. This was seen in the case of the teaching assistant from Spain who had been convicted of murder, but her criminal disclosure check did not refer to it. <https://www.bbc.co.uk/news/uk-england-oxfordshire-48661365> )

### **Supply Teachers**

The safer recruitment section, and the managing allegations section, refers to the particular risks that may arise when employing supply teachers. The new draft of KCSIE (2020) says, 'Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must obtain a copy of the certificate from the agency.' (See paragraph 246).

The draft guidance provides some clarification for the single central record. The SCR should record supply staff 'even if they work for one day'; later it says that the 'details of an individual should be removed from the SCR' when they leave. The SCR guidance confirms that it is not a requirement that governors are entered onto the SCR, although schools can if they wish

Where there is an allegation about a supply teacher (see paragraphs 326 - 329), the draft KCSIE guidance says, 'Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.'

'The school or college will usually take the lead in any investigation because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.' An example of how supply teacher vetting can go wrong can be found here: <https://www.bbc.co.uk/news/uk-england-tees-51376565>

### **The role of the DSL**

The new draft of KCSIE (2020) has added a little word (with massive impact) into the role of the DSL and another sentence. 'The role of the designated safeguarding lead carries a significant level of responsibility and they should be given the additional time, funding, training, resources and appropriate supervision support they need to carry out the role effectively.' (See page 119) The new words are 'additional' time; and 'supervision'.

Time will be more necessary than ever before if the new emphasis in the DSL role is to be effectively implemented. As a result of last year's consultation into better supporting 'children who have a social worker', it is intended that DSLs will promote the educational outcomes for these children.

\*Help, protection, education: concluding the Children in Need review June 2019 (see especially page 38)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/809236/190614\\_CHILDREN\\_IN\\_NEED\\_PUBLICATION\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809236/190614_CHILDREN_IN_NEED_PUBLICATION_FINAL.pdf)

It seems like the government are understanding that this will be a big addition to the DSL role and so are holding series of consultation events (see below).

The relevant paragraphs about the new DSLs' role are below (see draft KCSIE, paragraph 121):

Promote educational outcomes by knowing the welfare, safeguarding and child protection issues that children in need are experiencing or have experienced and is therefore best placed to identify the impact that these issues might be having on children's attendance, engagement and achievement at school. Working with the headteacher and other staff, the designated safeguarding lead should take lead responsibility for:-

- ensuring that the school or college knows who its cohort of children who currently need a social worker are, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort;
- support teaching staff to feel confident to provide additional academic support or reasonable adjustments to help children who need or have needed a social worker reach their potential, recognising that even when statutory social care intervention has ended, there is still a lasting impact on children's educational outcomes.

Further new paragraphs in Annex C: Role of the DSL, include

- Information sharing and managing the child protection file
- Holding and sharing information; and
- Understanding the views of children

### **Use of school premises for non-school activities**

There is more clarity here about who is responsible for safeguarding children when the school premises are hired-out. (See paragraphs 160/161)

Where governing bodies hire out the school premises they should ensure that appropriate arrangements are in place to keep children safe. When activities are provided by the governing body, under the direct management of their staff, their own arrangements for child protection will apply.

Where services are provided separately by another body, the governing body should seek assurance that the body concerned has appropriate safeguarding procedures in place; and ensure that there are arrangements in place to liaise with the school or college on these matters where appropriate.

The safeguarding arrangements should be set out in the hire agreement.

### **DMB/PMR Radios ('walkie/talkies')**

DMB and PMR radios are unsecured and schools should consider whether the information that is being transmitted comes under the Data Protection Act (2018) and GDPR.

### **Alternative provision**

In line with other guidance, including the new Ofsted framework, schools and APs/PRUs are reminded of the need to recognise the complex needs of young people placed there and 'the additional risk of harm that their pupils may be vulnerable to' (paragraph 133).

## **Brexit**

Missing from the new guidance at this stage is any information about how Brexit will change the relationship with the EU in terms of EEA checks and teacher training validity.

You can find the consultation here:

<https://consult.education.gov.uk/safeguarding-in-schools-team/keeping-children-safe-in-education-2020/>

You can download the draft KCSIE here:

[https://consult.education.gov.uk/safeguarding-in-schools-team/keeping-children-safe-in-education-2020/supporting\\_documents/KCSIE%202020%20consultation.pdf](https://consult.education.gov.uk/safeguarding-in-schools-team/keeping-children-safe-in-education-2020/supporting_documents/KCSIE%202020%20consultation.pdf)

## **Designated Safeguarding Lead role consultation events**

The DfE are running events to discuss the changes to the role of Designated Safeguarding Lead (DSL) to have a greater focus on improving the academic achievement of children who need a social worker, as set out in the KCSIE consultation. They would like to hear your views on the role guidance and what additional resources, training or support would help DSLs to carry out this role. These events are for Designated Safeguarding Leads and school leaders.

If you wish to book a place on this event please email [Safeguarding.SCHOOLS@education.gov.uk](mailto:Safeguarding.SCHOOLS@education.gov.uk) and confirm the location of the event you want to attend as well as your role and school/college.

Designated Safeguarding Lead role consultation events take place in:

Bristol

Thursday 12th March 2020 10:30 - 12:30  
2 Rivergate, Temple Quay, Bristol, BS1 6EH

Darlington

Thursday 19th March 2020 10:30 - 12:30  
Bishopsgate House, Feethams, Darlington, DL1 5QE

London

Tuesday 24th March 2020 10:30 - 12:30  
Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

Coventry

Friday 27th March 2020 10:30 - 12:30  
Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

Sheffield

Wednesday 1st April 2020 10:30 - 12:30  
2 St Pauls Place, 125 Norfolk Street, Sheffield, S1 2FJ

Manchester

Thursday 2nd April 2020 10:30 - 12:30  
Piccadilly Gate, Store Street, Manchester, M1 2WD