

# Keeping Children Safe in Education: changes from September 2016

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In-depth article

What are the main changes in the latest version of Keeping Children Safe in Education? The DfE has published an updated version of its statutory safeguarding guidance, in force from 5 September 2016. We set out the key changes that this update makes to the guidance.

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## Updated guidance in force from 5 September 2016

The Department for Education (DfE) has published an updated version of its statutory safeguarding guidance for schools, Keeping Children Safe in Education, which is in force from 5 September 2016.

[Keeping children safe in education, GOV.UK – DfE \(Adobe pdf](#)

[file\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf)  
pdf

Below we look at the main changes to the guidance in the latest update.

Annex H on pages 71-75 of the updated version of the guidance sets out the changes in full.

## Terminology

Keeping Children Safe in Education uses the word 'must' to indicate legal duties (see page 3 of the updated version). The word 'should' indicates duties that are not set out in legislation.

However, Keeping Children Safe in Education is statutory guidance, and the DfE explains on page 3 that schools should comply with it "unless exceptional circumstances arise".

The DfE also refers to some duties introduced with the word 'should' as 'requirements' for schools (see annex H). For this reason, we refer to duties introduced with the word 'should' as requirements in this article.

## Safeguarding guidance for all staff

All staff working in schools are required to read at least part 1 of Keeping Children Safe in Education.

The DfE has made a number of updates to this part of the guidance, including:

- Adding guidance explaining that safeguarding is the responsibility of all staff who come into contact with children and their families (paragraphs 1-3)
- Adding additional information on 'early help' systems, and explaining that all staff need to be aware of the early help process and be prepared to identify children who may benefit from early help (paragraphs 9, 14 and 25-26)
- Introducing the requirement for all staff to receive safeguarding updates at least annually, on top of the existing requirement for appropriate safeguarding training that is regularly updated (paragraph 13)
- Adding additional guidance on confidentiality and moving guidance on this from part 2 to part 1 to ensure all staff see it (paragraph 16)
- Clarifying the difference between a 'concern' about a child and a child 'in immediate danger or at risk of harm', and what staff should do in either case (paragraphs 21-28)
- Making explicit the requirement to record all safeguarding concerns, discussions and decisions made in writing (paragraph 29)
- Moving information on specific safeguarding issues to annex A (paragraph 44)

The full list of changes is on pages 71-75 of the updated version of the guidance.

According to page 5 of the DfE's response to the consultation on the updated guidance, these changes to part 1 were made to emphasise the importance of part 1 "as a starting point for **all** staff in schools and colleges", and to make it shorter so that more detailed safeguarding information is targeted at staff who work with pupils directly.

[Keeping children safe in education: government response to consultation, GOV.UK – DfE \(Adobe pdf](#)

[file\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526157/Keeping_children_safe_in_education_govt_response_26_May_2016.pdf)https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/526157/Keeping\_children\_safe\_in\_education\_govt\_response\_26\_May\_2016.pdf

## Designated safeguarding lead

The DfE has updated guidance on the role of the designated safeguarding lead (DSL), found in paragraphs 52-58 and annex B (pages 59-61).

## It is for schools to decide whether to have one or more deputy DSLs

For example, the updated guidance says that:

- The DSL should be a member of the senior leadership team, and should take lead responsibility for safeguarding
- The DSL and/or a deputy should always be available to staff during school hours in term time
- It is for schools to decide whether to have one or more deputy DSLs. Any deputies should be trained to the same level as the DSL
- The DSL retains overall responsibility for safeguarding even when the activities associated with the role are delegated to deputies

## Member of the board responsible for safeguarding

Keeping Children Safe in Education now requires a member of the governing board to take responsibility for safeguarding in addition to the designated safeguarding lead.

Paragraph 46 says:

Schools and colleges should have a senior board level (or equivalent) lead to take leadership responsibility for the organisation's safeguarding arrangements.

A representative from the DfE confirmed that this can be a member of staff, but that person must be a member of the board (for example, the headteacher or a staff governor).

The DfE advises that this is a separate person from the designated safeguarding lead, in order to ensure there is sufficient challenge to the organisation's safeguarding arrangements and performance.

Contact DfE, GOV.UK – DfE <https://www.gov.uk/government/organisations/department-for-education#org-contacts>

## Safeguarding training

As explained above, the following changes have been made to requirements for staff safeguarding training:

### **All staff**

All staff should now receive safeguarding updates as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively (paragraph 13). This can be provided via, for example, email, e-bulletin and staff meetings.

The new requirement is added to the existing requirement for staff to receive appropriate safeguarding training that is regularly updated.

### **Designated safeguarding lead**

The knowledge and skills of the DSL and his/her deputy/deputies should now be updated at regular intervals, but at least annually, to ensure he/she keeps up with developments relevant to the role (paragraph 58). Again, this could be provided via email, e-bulletin or staff meetings.

This new requirement comes on top of the existing requirement for the DSL and his/her deputies to undergo relevant training that is updated every two years.

## **Safer recruitment**

Updates to part 3 of Keeping Children safe in Education, which looks at safer recruitment, include:

- Information about the using the Teacher Services system to carry out prohibition from teaching checks (paragraph 97)
- A requirement for a 'section 128 direction' check to be carried out on anyone involved in the management of an independent school (either as an employee or a governor/trustee), including academies and free schools. Checks for section 128 directions can be carried out via the Teacher Services system, and are also covered by Disclosure and Barring Service (DBS) barred list checks (paragraph 99)
- Further information about checks on individuals who have lived or worked outside the UK, including a requirement that these include checks for information about any teacher sanction or restriction that a European Economic Area (EEA) professional regulating authority has imposed (paragraph 112)

Paragraph 128 now reflects the requirement for governors of maintained schools to undergo enhanced DBS checks. You can read more about this requirement in the following article:

[DBS checks: requirements for governors \(maintained\)](#) Pupils & learning : Pupil health & wellbeing : DBS checks

## **Reporting concerns**

The updated guidance makes a distinction between the action to be taken where a member of staff has a concern about a child and the action to be taken where a child is in danger or at risk of harm (paragraphs 21-28).

It explains:

- Where a staff member has a concern about a child, he/she will need to decide what action to take. Where possible, he/she should discuss this with the DSL. Possible courses of action include referral to social services, referral to other agencies, or an early help assessment
- Where a child is in immediate danger or at risk of harm, a referral should be made to children's social care and/or the police immediately. Anyone can make a referral

**Where a staff member has a concern about a child, he/she will need to decide what action to take**

Where a referral is made by someone other than the DSL in either case, the DSL should be informed as soon as possible afterwards.

The guidance also explains:

If a teacher, in the course of their work in the profession, discovers that an act of female genital mutilation (FGM) appears to have been carried out on a girl under the age of 18, the teacher must report this to the police.

Further guidance on FGM, including the reporting requirement, is set out in annex A of the guidance, and in our need-to-know update below:

**Need-to-know: Statutory duty to report FGM from 31 October** Strategy & improvement : Recent news and updates : Need-to-knows

## Online safety

The updated guidance introduces a new requirement for schools to ensure appropriate internet filters and monitoring systems are in place to protect pupils from potentially harmful and/or inappropriate online material (paragraph 67).

Annex C, on pages 62-63 of the document, explains that when considering online safety measures, schools should take into account:

- The age range of their pupils
- The number of pupils
- How often they access the school's IT system
- The proportionality of costs versus risks

It notes that while schools can decide for themselves which filters and monitoring systems are needed, they should take into account the results of the risk assessment they will have carried out as part of the Prevent duty.

The guidance also recommends taking a whole-school approach to online safety which covers the use of mobile technology.

For more guidance on the governors' role in the Prevent duty, see the following article:

**The Prevent duty: governors' role** Pupils & learning : Pupil health & wellbeing : Safeguarding

## Teaching pupils about safeguarding

Paragraph 68 of the guidance now says it is a requirement for schools to teach pupils about safeguarding, including staying safe online.

[Schools] should be careful that 'over-blocking' does not lead to unreasonable restrictions ...

It says that this may be covered through personal, social, health and economic education, tutorials and/or sex and relationship education.

The guidance adds that although schools need to put appropriate filtering and monitoring systems in place:

... they should be careful that 'over-blocking' does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.

## Specific safeguarding issues

The DfE has also updated parts of the guidance that refer to specific safeguarding issues. In the July 2015 version of the guidance, this information was found in part 1, but in the September 2016 version it has been moved to annex A.

Changes include:

- Separate guidance for schools and colleges on children missing in education (pages 51-53)
- Further information on 'honour-based' violence, which includes FGM (pages 54-56)
- Advice on the importance of engaging with pupils' parents and families when tackling radicalisation (page 57)
- Links to the government's Educate Against Hate website, and further advice on the anti-radicalisation Channel programme (pages 57- 58)