

<b>DIRECTORS' REPORT AUTUMN TERM 2018</b>	<b>ITEM NO 21</b>	<b>FOR ACTION</b>	<b>ATTENTION OF: All governors</b>
<b>TITLE</b>	<b>Revised statutory safeguarding guidance</b>		
<b>SUMMARY</b>	<ul style="list-style-type: none"> <li>• The Department for Education have updated their statutory guidance Keeping Children Safe in Education to be implemented from 3<sup>rd</sup> September 2018</li> <li>• Revised guidance on Disqualification under the Childcare Act 2006 from 31<sup>st</sup> August 2018</li> </ul>		
<b>KEY ACTION POINTS</b>	Schools have already been advised via Gatekeeping regarding the main changes. This is an edited version of that advice emphasising the changes of which governing boards need to be aware.		
<b>AUTHOR / TITLE</b>	<i>Christopher Prowse, Schools HR</i>		
<b>TELEPHONE NO.</b>	0208 825 9261	<b>EMAIL ADDRESS</b>	<a href="mailto:cprowse@ealing.gov.uk">cprowse@ealing.gov.uk</a>

The Department for Education (DfE) have published the updated version of, *Keeping Children Safe in Education* (KCSIE) September 2018 which all schools in England must have regard to it when considering their safeguarding duties and promoting children and young people's welfare. It is now available at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> It will commence on the 3rd September 2018. Until then schools must continue to follow the September 2016 guidance.

Throughout the guidance, 'must' versus, 'should' as terms are explained, emphasising that 'must' is used throughout the guidance, to indicate a legal requirement or duty to act. Key changes that schools and governors need to be aware of are as follows:

1. All schools must have their own child protection policy. It should be updated annually (as a minimum), reflect local circumstances and be available publicly either via the school website or by other means (Paragraph 57).
2. A section 128 directive disqualifies a person from holding or continuing to hold office as a governor of a maintained school (paragraph 121). "As maintained school governors are only required to have an enhanced criminal record certificate from the DBS (Disclosure Barring Service) which does not include a barred list check (unless in addition to their governance duties they also engage in regulated activity), we recommend that schools contact The Teaching Regulation Agency (TRA) Teacher Services to check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 directive" (paragraph 113). The process for contacting the TRA is set out in paragraph 125.
3. Schools should undertake a risk assessment when deciding whether to obtain an enhanced DBS for any volunteer not engaging in regulated activity. Details of the risk assessment should be recorded (paragraph 160).
4. Governing boards need to ensure online safety is included when children are taught about safeguarding (paragraph 80).
5. All staff are still required to read part one of the statutory guidance but on top of this they must now also read annex A (page 75 of KCSIE). These are available to be printed off together as a separate document at the link above.
6. What staff need to know has always contained a list of key documents that all staff should be made aware of. This list has now been updated (paragraph 13) to include, the school's management of behaviour policy and guidance on, *Children Missing from Education*.
7. Schools should hold more than one emergency contact number for each pupil or student where reasonably possible (paragraph 57).
8. New information on the use of reasonable force (paragraphs 103 – 105). Reasonable means, 'Using no more force than is needed.' The department advises a 'no contact' policy

at a school can leave staff unable to fully support and protect their pupils and students. When using reasonable force in response to risks presented by incidents involving children with special educational needs or disabilities (SEND) or with medical conditions, schools should consider the risks carefully and recognise the additional vulnerability of these groups.

9. Governing boards need to ensure that their child protection policy includes procedures to minimise the risk of peer on peer abuse and how allegations of peer on peer abuse will be recorded, investigated and dealt with (paragraph 90).
10. The whole of part 5: "Child on child sexual violence and sexual harassment" has been added. The department has already recently issued guidance "[Sexual violence and sexual harassment between children in schools and colleges](#)." However, the inclusion of the summary as Part 5 in KCSIE means that this is now statutory guidance (pages 62-74).
11. Children's welfare has always been a consideration in safeguarding and the wording in the section advising staff what to do if they have concerns (paragraph 23) has been updated to reflect new guidance 'If staff have any concerns about a child's welfare, they should act on them immediately.'
12. Annex A includes additional support and advice that all staff must read as well as part one of KCSIE (pages 75 – 87).
13. Annex B: The role of the designated safeguarding lead. This now requires that any deputies should be trained to the same standard as the designated safeguarding lead and the deputy role should be explicit in their job description (page 88).
14. Annex E: Host families – homestay during exchange visits. When a school arranges a homestay, it should consider what intelligence/information will best inform its assessment of the suitability of the adults in those families who will be responsible for the visiting child during the stay. It will be for the school or college to use their professional judgement to decide what it considers what will be relevant. However, to help inform that assessment, schools should obtain a DBS enhanced certificate with barred list information (page 97).
15. Annex H lists a table of all the substantive changes since the issue of the September 2016 version of KCSIE (page 103).

These changes referenced above should be reflected on by governing boards/trusts and assurance sought that these changes will be incorporated into training in readiness for the revised guidance coming into force on 3rd September 2018.

The NSPCC have a detailed briefing on the updates at <https://www.nspcc.org.uk/globalassets/documents/information-service/briefing-on-key-updates-to-statutory-guidance-for-schools-in-england-keeping-children-safe-in-education-2018.pdf>

### **'Disqualification under the Childcare Act 2006**

The government have confirmed that the Disqualification under the Childcare Act 2006 regulations will be amended with effect from 31 August 2018. Schools currently conduct a check for relevant staff to ensure that they are not disqualified under these regulations.

With effect from 31 August 2018, relevant staff (in schools) will no longer have to make any declaration as to whether a person who lives in the same household is disqualified. This is commonly referred to as 'disqualification by association'. The rest of the check, for relevant staff, will still be required as previously. Relevant staff in schools are those staff who work with under-fives and/or under eights in before and after school settings.