

A summary of changes introduced by Keeping children safe in education 2022

CASPAR briefing on key updates to statutory guidance for schools in England

June 2022

Background to the statutory guidance

The Department for Education (DfE) has published an updated version of the statutory safeguarding and child protection guidance for schools in England, Keeping children safe in education (KCSIE) (DfE, 2022). This guidance will replace KCSIE 2021 when it comes into force on 1 September 2022.

The guidance sets out what schools and colleges in England must do to safeguard and promote the welfare of children and young people under the age of 18. It is directed at:

- governing bodies of maintained schools, nursery schools and colleges
- proprietors of independent schools and non-maintained special schools
- management of committees of pupil referral units (PRUs)
- senior leadership teams.

For information about previous updates to this guidance, see our CASPAR briefing:

➤ Keeping children safe in education – Keeping children safe in education (KCSIE) 2021: summary of changes

Advice on sexual violence and sexual harassment

The DfE's advice on Sexual violence and sexual harassment between children in schools and colleges (DfE, 2021) has been merged into Keeping children safe in education 2022. As part of this merger, the term "child-on-child abuse" rather than "peer-on-peer abuse" is used throughout the updated guidance.

Part one: safeguarding information for all staff

Disclosure

The updated guidance includes a new paragraph setting out that children may not feel ready or know how to tell someone they are being abused.

Domestic abuse

Domestic abuse has been added to the list of safeguarding issues that all staff should be aware of. The guidance makes it clear that domestic abuse:

- can be psychological, physical, sexual, financial, or emotional
- can impact on children through seeing, hearing or experiencing the effects of domestic abuse and/or experiencing it through their own intimate relationships.

Part two: the management of safeguarding

Training for governors and trustees

New content emphasises that governors and trustees should receive appropriate safeguarding and child protection training at induction, and then at regular intervals. Training should provide them with the knowledge to ensure their school's safeguarding policies and procedures are effective.

Human rights legislation

The updated guidance makes it clear that being subjected to harassment, violence and or abuse, may breach children's rights, as set out in the Human Rights Act.

Equality legislation

The guidance sets out the significance of the Equality Act 2010 to school safeguarding, including that schools and colleges:

- must not unlawfully discriminate against pupils because of their protected characteristics
- must consider how they are supporting pupils with protected characteristics
- must take positive action, where proportionate, to deal with the disadvantages these pupils face. For example, by making reasonable adjustments for disabled children and supporting girls if there is evidence they are being disproportionately subjected to sexual violence or harassment.

It also looks at the implications of the Public Sector Equality Duty (PSED) for education settings. This includes a need to be conscious that pupils with protected characteristics may be more at risk of harm and integrate this into safeguarding policies and procedures.

Online safety

Additions to the guidance state that governing bodies and proprietors should regularly review the effectiveness of school filters and monitoring systems. They should ensure that the leadership team and relevant staff are:

- aware of and understand the systems in place
- manage them effectively
- know how to escalate concerns when identified.

Schools and colleges should use communications with parents and carers to reinforce the importance of children being safe online. Schools should share information with parents/carers about:

- what systems they have in place to filter and monitor online use
- what they are asking children to do online, including the sites they will be asked to access
- who from the school or college (if anyone) their child is going to be interacting with online.

Virtual school head

Guidance has been updated to reflect the extension of the role of virtual school head to include a non-statutory responsibility for oversight of the attendance, attainment,

and progress of children with a social worker. Virtual school heads should identify and engage with key professionals to help them understand the role they have in improving outcomes for children.

LGBTQ+ pupils

Guidance now emphasises the importance of providing LGBTQ+ children with a safe space for them to speak out or share their concerns with members of staff.

Part three: safer recruitment

Applications

Updated guidance clarifies that a curriculum vitae (CV) should only be accepted alongside a full application form and is not sufficient on its own to support safer recruitment.

Checks

Information has been added to highlight that schools should consider online searches as part of their due diligence checks on shortlisted candidates.

Part four: allegations made against/concerns raised in relation to teachers

Learning lessons

Updates make it clear that learning lessons applies to all cases, not just those which are concluded and found to be substantiated.

Low level concerns

Information has been updated to make it clear that a low level concerns policy should contain a clear procedure for confidentially sharing concerns. The school can decide whether concerns are initially shared with the Designated Safeguarding Lead (DSL)/nominated person or directly with the headteacher/principal. The headteacher should ultimately be informed of all low level concerns and make the final decision on how to respond. Where appropriate this can be done in consultation with the DSL.

Guidance also clarifies that low level concerns which are shared about supply staff and contractors should be notified to their employers; and schools and colleges should consult with their LADO if unsure whether low-level concerns shared about a member of staff meet the harm threshold.

Part five: child-on-child sexual violence and sexual harassment

This section has been expanded to incorporate guidance previously covered in the DfE's Sexual violence and sexual harassment between children in schools and colleges advice. It also provides new information, emphasising:

- the importance of explaining to children that the law is in place to protect rather than criminalise them
- the importance of understanding intra-familial harms, and any necessary support for siblings following incidents
- the need for schools and colleges to be part of discussions with statutory safeguarding partners.

Annexes

Annex B, which provides additional information about specific forms of abuse and safeguarding issues, has been updated to move most of the content on peer-on-peer/child-on-child abuse and sexual violence and harassment into the main body of the guidance.

Annex C, which looks at the role of the Designated Safeguarding Lead (DSL), now includes much of the detail previously including in Part two.

Annex F sets out substantive changes made by the new guidance.

References

Department for Education (DfE) (2022) **Keeping children safe in education 2022: statutory guidance for schools and colleges**. [Accessed 31/05/2022]

<<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>>

Department for Education (DfE) (2021) **Sexual violence and sexual harassment between children in schools and colleges: advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads**. [Accessed 31/05/2022]

<<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>>

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