



**Official Response  
to the Government consultation**

# **Keeping children safe in education 2022**

**March 2022**

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## Introduction

The purpose of this consultation is to seek views about proposed changes to Keeping children safe in education (KCSIE) statutory guidance. KCSIE sets out those legal duties that schools and colleges must comply with, together with what schools and colleges should do to keep children safe. Schools and colleges must have regard to KCSIE when carrying out their duties to safeguard and promote the welfare of children. It is split into five parts, as follows:

- **Part one** - sets out what staff in schools and colleges should know and do. It explains their safeguarding responsibilities, what the various forms of abuse and neglect look like and what staff should do if they have concerns about safeguarding matters.
- **Part two** - sets out the arrangements for the management of safeguarding, including the responsibility of governing bodies and proprietors, the role of designated safeguarding leads and the safeguarding policies and procedures that should be in place.
- **Part three** - sets out the safer recruitment arrangements schools and colleges should adopt and describes in detail the checks that are required for individuals working or visiting a school or college.
- **Part four** - sets out how schools and colleges should manage allegations of abuse made against teachers and other staff including supply teachers, volunteers, and contractors.
- **Part five** - is about managing reports of child-on-child sexual violence and sexual harassment and sets out what governing bodies and proprietors should be doing to ensure reports of child-on-child sexual violence and sexual harassment are managed appropriately.

## About this consultation

This consultation document sets out the changes the Department for Education proposes to make to Keeping children safe in education (KCSIE), statutory guidance.

This consultation is split into seven sections, to reflect the composition of KCSIE. These sections are:

- Section 1 - proposed changes to 'about this guidance'
- Section 2 - proposed changes to Part one of the guidance: what staff need to look out for and where they should report their concerns
- Section 3 - proposed changes to Part two of the guidance: the responsibilities of schools and colleges to safeguard children
- Section 4 - proposed changes to Part three of the guidance: what schools and colleges need to do to ensure staff are suitable to work with children
- Section 5 - proposed changes to Part four of the guidance: what schools and colleges need to do to manage cases of allegations of abuse against teachers
- Section 6 - proposed changes to Part five of the guidance: what schools and colleges need to do to manage reports of child-on-child sexual violence and sexual harassment, and
- Section 7 - other safeguarding issues on which we would welcome responses.

## Proposed changes

It is important to note in proposing the changes, our aim is to help schools and colleges better understand what they are required to do by law and what we strongly advise they should do to fulfil their safeguarding responsibilities. Many of the proposed changes are technical in nature. These are intended to improve the clarity of the guidance and ensure consistency throughout. A list, with an explanation of all the proposed substantive changes, is set out at Annex F of the draft guidance.

This consultation document asks questions about the substantial changes we are proposing to make to KCSIE. The responses to these questions will inform the final guidance.

We would like to hear your views on our proposals.

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***March 2022***

# Section 1 – Summary of the guidance

## Background

This section of the consultation addresses the changes we propose to make to the summary section of the guidance.

The summary section contains:

- Status of the guidance
- About this guidance
- Who is this guidance is for?

## Who is this guidance for?

### Proposals and rationale

Following the amendment to the Apprenticeships, Skills, Children and Learning Act 2009 by The Education and Training (Welfare of Children) Act 2021, KCSIE 2021 was revised to incorporate safeguarding requirements for 16-19 Academies, Special Post-16 institutions and Independent Training Providers.

**Question 7:** Is the guidance clear on the safeguarding requirements placed on the above providers?

**Yes**

What further information would you find helpful?

***It may be worth considering a further appendix outlining training requirements and specifying them as a minimum.***

***That any training must be revisited should be a given, but it is worth outlining that in a clear and unequivocal way so that all staff and employers are equally held accountable for remaining up to date. Continuing training so that it is instinctive is essential in addressing the shortcomings that have made the national headlines over the past couple of years.***

## Section 2 – Part one: Safeguarding information for all staff

### Background

Part one of KCSIE sets out what all staff need to know, what they need to look out for and where they should report their concerns.

### What school and college staff need to know

#### Proposals and rationale

We think it is important that all staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected – or they may not recognise their experiences as harmful. As such we have added this into the section on what school and college staff need to know.

**Question 8:** Is the additional information helpful for school and college staff?

**Yes**

Please explain your answer.

*Voice Community is pleased to note that little of this guidance has changed but that the guidance is clear and explains the different circumstances in a succinct manner. The clarification of language from peer-on-peer to child-on-child is very helpful as this use of language is clear and widely understood. This should mean there are fewer instances of misinterpretation.*

*The clarification of the impact of issues, especially around domestic violence, and the recognition of children as victims (as made clear in the Domestic Abuse Act) is particularly welcome.*

*The flow chart on p21 is clear and Voice Community recommend that this is something which could be reproduced in leaflet form for direct access by DSL within all settings.*

*It would be helpful if specific guidance were drawn out on strategies which provide support to children who are unwilling or unable to discuss any experiences. It is vital that staff do not engage in coercive behaviour themselves when trying to establish the harm being experienced.*

## Section 3 – Part two: The management of safeguarding

### Background

Part two of KCSIE sets out the responsibilities of governing bodies and proprietors to safeguard and promote the welfare of children and includes guidance on the safeguarding policies and procedures they should have in place.

### Legislation and the law

#### Proposals and rationale

Schools and colleges have legal duties with regard to the Human Rights Act 1998, the Equality Act 2010 and the Public Sector Equality Duty (those schools and colleges that are publicly funded). Whilst these are not new requirements, we have added information (originally in the standalone sexual violence and sexual harassment between children in schools and colleges advice) to remind schools and colleges of these legal duties and the links to their safeguarding duties and sources of additional information.

**Question 9:** Is this additional information helpful?

**Yes**

Please explain your answer.

***It is helpful and appropriate that this information is contained in the most logical place within the document to avoid it being overlooked. This is especially the case for Trustees and Governors who might be less familiar with and daunted by the size of the Keeping Children Safe in Education documentation.***

### Governor and trustee training

#### Proposal and rationale

Training is essential to ensure new governors/trustees understand their roles and responsibilities, particular in them taking a strategic rather than an operational approach. Other departmental guidance already sets out the importance of appropriate governor training (the [Governance Handbook](#) and the [Academy Trust Handbook](#)) and evidence suggests that the majority of governors and trustees already undertake some form of safeguarding training. We are proposing to strengthen KCSIE and explicitly set out that all governors and trustees should receive safeguarding and child protection training (including online safety) at induction. We will also say the training should be regularly updated.

**Question 10:** Do you agree that KCSIE should set out that all governors and trustees receive safeguarding and child protection training as part of their induction?

**Yes**

Please explain your answer.

***That Governors and Trustees (regardless of school type) are now required to receive appropriate safeguarding training is welcome and well overdue, however, regard should be given to including advice outlining the level of detail required and the time frame require for this to be achieved.***

***It may also be worth stipulating that this be delivered in-person due to the sensitive nature of the training and the likelihood of questions.***

***It should also be made clear that training is an ongoing process and not a one-off event as some governors and trustees may already have received safeguarding training it is vital that any knowledge remains current and up to date. Given the vital importance of safeguarding, we would recommend annual refresher training.***

## **Whole school and college approach to safeguarding**

### **Proposal and rationale**

We made changes to Part two and Part five of the guidance in 2021 to support schools and colleges take a whole school and college approach to safeguarding and especially child-on-child abuse. This included clearer guidance on the systems that should be in place to support the reporting of abuse, the importance of recognising the just because abuse isn't being reported does not necessarily mean it is not happening and links to the various policies such as behaviour, exclusion and RSHE that will all play important parts in the whole school/college approach.

**Question 11:** Does KCSIE, but especially Part two and Part five, support schools and colleges take a whole school approach to safeguarding?

**Yes**

**Question 12:** Is there anything else that would support schools and colleges take a whole school and college approach to safeguarding?

Please explain your answer.

***Schools and other education settings have a variety of approaches to safeguarding which reflects their diverse natures. It is important that all settings have effective approaches to safeguarding but it is reasonable for them to differ for example between nurseries and alternative provision. The things that all settings need is consistent and timely advice and support from external agencies whenever safeguarding concerns are raised.***

***The key issues should be covered in training and refreshed every year as a***



***minimum. All staff should be trained in listening skills so that they do not prejudice any disclosure made to them, but this training needs dedicated CPD time for all staff, which is something almost all settings are short of.***

## **Online safety**

### **Proposal and rationale**

We made relatively significant changes to the online safety section in 2021. We want to test if those changes have helped schools and colleges and what more we might do via KCSIE.

**Question 13:** Do you think the changes made on online safety in KCSIE 2021 have helped to embed online safety into your whole school/college approach to safeguarding?

**Yes**

Please explain your answer.

***Yes, to an extent, but the nature of technology is such that it moves much quicker than legislation and children are often at the forefront of the change.***

***Although schools and colleges can teach and train children and young people in how to be safe online and can put in place technologies such as firewalls and web filtering these are not always so robust in the home environment, and with increasing numbers of young people having access to unfiltered mobile data there is only some much that schools, colleges, and other settings can be responsible for.***

**Question 14:** Are there any additional changes you believe should be made in Part two of KCSIE to help schools/colleges better understand how to keep children safe online:

- In the classroom and on school or college premises
- During remote learning

***Don't know***

Please explain your answer.

***It is important for the safety of all that there are clear guidelines in place that cover remote learning, especially where live video and audio is being shared. Voice Community guidance makes clear that this should include the requirement for students to be suitable attired, and that staff have the right to record live lessons for safeguarding purposes.***

## Designated safeguarding lead

### Proposal and rationale

We want to ensure, as already set out in KCSIE, that designated safeguarding leads (DSL) have the appropriate status and authority to carry out the duties of the post. It is especially important that governing bodies and proprietors recognise the key role the DSL plays in the day-to-day leadership of safeguarding and provide the role with the necessary authority, status, resources, and training. As such we have made this clear in Part two of KCSIE.

To encourage people to read the full DSL job description, and fully understand the importance and breadth of the role, we have moved the majority of the DSL content in Part two, into the full DSL job role as set out in Annex C.

**Question 15:** Do Part two and Annex C adequately reflect the importance of the status and authority of the DSL role?

**Yes**

**Question 16:** What would you suggest DfE can do to emphasise the authority and status that should be attached to the DSL role?

**No opinion**

## Children at great risk of harm

### Proposal and rationale

Whilst **all** children should be protected, it is important that governing bodies and proprietors recognise (and reflect in their policies and procedures) some groups of children are potentially at greater risk of harm. We already provide guidance on categories of children that governing bodies and proprietors should be aware of and reflect as appropriate in their own process, policies, and procedures. The standalone sexual violence and sexual harassment between children in schools and college advice sets out that children who are lesbian, gay, bi or trans (LGBT) may, in some cases, be at increased risk of harm. As we incorporate the standalone advice into KCSIE we are including this in the children at greater risk of harm section, along with where schools and college can go for support.

**Question 17:** Is the additional information helpful for schools and colleges?

**Yes**

If no, please explain.

## Section 4 – Part three: Safer recruitment

### Background

Part three of KCSIE provides schools and colleges with guidance on the statutory requirements and important information about safeguarding and recruitment.

### Restructure

In 2021 we substantively revamped Part three of KCSIE to better reflect the recruitment process that schools and colleges follow. We want to test if the new Part three is an improvement.

**Question 18:** Is the restructured Part three (designed to follow the recruitment journey) an improvement compared to the old lay out?

#### ***No opinion***

Please explain your answer.

***It is vitally important that the process is clearly understood, therefore although the structure and layout is important, it is more important that the language used is clear and unambiguous. That the roles and responsibilities of all involved continue to be well described is also important for ensuring the effectiveness of the process.***

**Question 19:** Are there any additional changes you would suggest we make to Part three to better support school and college safer recruitment?

#### ***Yes***

Please explain your answer.

***Those involved in the recruitment process will come from a wide variety of disciplines and backgrounds but with a common goal. It is, however, important that they all have due regard for equalities legislation – especially around matters of unconscious bias, when discharging their duties.***

### Shortlisting

#### **Proposal and rationale**

As part of the shortlisting process, we have added a new paragraph suggesting schools and colleges, as part of their due diligence, **should consider** carrying out an online search (including social media) on shortlisted candidates. This would explore anything that is publicly available online which may be worth testing at interview.

**Question 20:** Is it helpful to suggest schools and colleges **should consider** online

searches?

***No opinion***

Please explain your answer.

***As mentioned in the previous answer, the information that can be gleaned from social media can be very rich, but it must not be considered infallible and those involved in any recruitment process must be mindful of the pitfalls that surround use of social media.***

***For example, social media is a shop window into one aspect of someone's life and may not be a full and accurate representation of all of their beliefs. Similarly, it may be possible to make assumptions about someone because of images or comments which are not representative, indeed it is vital to ensure that any social media is actually that of the candidate.***

***Therefore, we would urge caution with the use of social media and believe the guidance issue a clear warning of the potential legal action that may be taken against a prospective employer should there be proven discrimination arising from social media access.***

## Section 5 – Part four: Allegations of abuse made against teachers and other staff

### Background

Part four of KCSIE is about managing cases of allegations that might indicate a person poses a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. This part of the guidance should be followed when dealing with allegations against anyone working in the school or college, including supply teachers, volunteers, and contractors.

### Managing allegations of abuse

#### Proposals and rationale

KCSIE has always reflected the fact that schools and colleges should have processes in place to respond to any allegations or concerns about staff, volunteers, and contractors. However, whilst there has always been detailed guidance in Part 4 of KCSIE on managing allegations and concerns that meet the harms threshold, we had not in the past provided guidance on allegations or concerns that fall short of that threshold. In response to feedback from our last KCSIE consultation we added a new section about 'low level' concerns.

**Question 21:** Has this new section about 'low level' concerns helped to clarify the importance of addressing 'low level' concerns?

**Yes**

If no, please explain

**Question 22:** Does this section provide the right level of information on 'low level' concerns?

**Don't know**

If no, what further information would you find helpful?

**Paragraph 420 makes clear that “The term ‘low-level’ concern does not mean that it is insignificant.” A low-level concern remains a concern and therefore must be noted. However, we have concerns that some of the examples listed are vague and overly general.**

**The guidance refers to ‘low-level’ concerns as happening between an adult and a child, but they too can happen in child-child relationships. It is possible that concerns raised could result in vulnerable adults, or older children and young people with mental health difficulties being recorded as risks, rather than being afforded the support to develop and maintain appropriate friendships and boundaries that they may actually require.**

## References

### Proposals and rationale

KCSIE is clear that only substantiated allegations that meet the harms threshold set out in Part four should be included in employment references. Now that we have added a section on 'low level' concerns, we want to find out more information about sharing these concerns when they are substantiated.

**Question 23:** Would you include substantiated 'low level' concerns on an employment reference?

#### ***Not necessarily***

If not, what are the reasons for not doing so? Please explain your answer.

***First and foremost, employment references should contain factual information about an individual's ability to discharge their duties. That the guidance notes that inadvertent and thoughtless behaviour can be explained as low-level concerns recognises that not every concern should be included in reference.***

***The documents which outline professional standards or staff expectations, together with workplace policies on relationships, communications and social media usage etc. already provide due process to hold staff to account and provide appropriate sanction for their misdemeanours. This is the correct process for employers to follow.***

## Section 6 – Part five: Child-on-child sexual violence and sexual harassment

### Background

Part five of KCSIE is about managing reports of child-on-child sexual violence and sexual harassment. It sets out what governing bodies and proprietors should be doing to ensure reports of child-on-child sexual violence and sexual harassment are managed appropriately.

### Effectiveness of Part five

#### Proposals and rationale

We have withdrawn the Sexual violence and sexual harassment between children in school and colleges standalone advice and removed all references to it. This guidance has now been incorporated throughout KCSIE, and especially in Part two and Part five, in order to give the issue the prominence it deserves in statutory guidance. It will also remove duplication as much of the content in the standalone advice was already in Part five of KCSIE.

Incorporating the standalone advice ensures schools and colleges only need to go to one document rather than two when considering child-on-child sexual violence and sexual harassment. Most of the content has been moved to the beginning of Part five. We have also taken the opportunity to move across the definition of ‘victim’ and ‘perpetrator’- moved into the summary section, and information that links school and college legal duties under the Human Rights Act 1998 (HRA) <sup>1</sup>, the Equality Act 2010<sup>2</sup>, the Public Sector Equality Duty<sup>3</sup>, and their safeguarding responsibilities- moved into Part two.

The department continues to recognise the complexities for schools and colleges of managing reports of child-on-child sexual violence and sexual harassment. We think incorporating the standalone advice in KCSIE will help give the issue the prominence it deserves and remove duplication between the two documents for schools and colleges. Part five remains the primary resources for schools and colleges on this matter and has been strengthened by incorporating additional guidance and support from the standalone advice.

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<sup>1</sup> [Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/42)

<sup>2</sup> [Equality Act 2021 Advice for schools](#)-for-schools

<sup>3</sup> The Public Sector Equality Duty is a legal requirement for schools and colleges that are public bodies. [Public Sector Equality Duty \(advice for schools\)](#)

**Question 25:** Does the revised Part five of KCSIE provide the right level of information to support schools and colleges manage reports of child-on-child sexual violence and sexual harassment

**Yes**

Please explain your answer.

***As with many guidance documents, the links to further examples and guidance are particularly useful for clarifying and providing extended and more detailed guidance. Therefore, it is important to recognise that in many settings this guidance will be printed, and the information contained within any hyperlinks may fail to be considered.***



## Section 7 – Expanding our evidence base

### Background

In this section of the consultation, we are seeking to expand our evidence base in areas where we have routinely been asked to consider changes to KCSIE but where our knowledge is currently limited.

### Sharing Nudes and Semi Nudes

#### Proposal and rationale

We know that this is a societal issue but also one that manifests in schools and colleges. KCSIE signposts schools and colleges, and especially DSLs, to - [Guidance overview: Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](#).

### Filtering and monitoring systems

#### Proposal and rationale

Filtering and monitoring systems are an important part of a school or college's processes to keep their children safe online. KCSIE sets out that appropriate filtering and monitoring systems should be in place and signposts to advice from the UK Safer Internet Centre- [Appropriate Filtering and Monitoring](#).