

## Part two: The management of safeguarding

### The responsibility of governing bodies, proprietors and management committees

#### Legislation and the law

54. Governing bodies and proprietors<sup>17</sup> (in Part two, unless otherwise stated, includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance, ensuring that policies, procedures and training in their schools or colleges are effective and comply with the law at all times.<sup>18</sup>

55. Governing bodies and proprietors should have a senior board level (or equivalent) lead to take **leadership** responsibility for their school's or college's safeguarding arrangements.<sup>19</sup>

#### Safeguarding policies and procedures

56. Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

57. This should include:

Individual schools and colleges having an effective child protection policy. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed multi-agency safeguarding arrangements put in place by the three safeguarding partners. It should be

<sup>17</sup> In the case of academies, free schools and alternative provision academies the proprietor will be the academy trust.

<sup>18</sup> Section 175 of the Education Act 2002 requires governing bodies of maintained schools and colleges, in relation to

their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such

functions are exercised with a view to safeguarding and promoting the welfare of children who are either pupils at the

school or are receiving education or training at the institution. The Education (Independent School Standards)

Regulations 2014 apply a duty to proprietors of independent schools (which in the case of academies and free schools

is the academy trust) to ensure that arrangements are made to safeguard and promote the welfare of children. The

Non-Maintained Special Schools (England) Regulations 2015 oblige non-maintained special schools to comply with

certain requirements as a condition of their approval and whilst approved by the Secretary of State. One condition of

approval is that the proprietor must make arrangements for safeguarding and promoting the health, safety and welfare

of pupils, which have regard to any guidance including where appropriate, the National Minimum Standards, about

safeguarding and promoting the health, safety and welfare of pupils and, in the case of schools already approved, that

these arrangements at the school with respect to these matters are in accordance with the approval given by the

Secretary of State. For colleges, non-maintained special schools and independent schools: the definition of 'children'

applies to the statutory responsibilities for safeguarding and promoting the welfare of children i.e. those under 18.

<sup>19</sup> Chapter 2 of [Working Together to Safeguard Children](#).

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updated annually (as a minimum), and be available publicly either via the school or college website or by other means.

- A staff behaviour policy (sometimes called the code of conduct) which should, amongst other things, include: acceptable use of technologies, staff/pupil relationships and communications including the use of social media.<sup>20</sup>
  - Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or exploitation, and to help prevent the risk of them going missing in future.
  - Where reasonably possible, schools and colleges should hold more than one emergency contact number for each pupil or student. This goes beyond the legal minimum<sup>21</sup> and is good practice to give the school or college additional options to make contact with a responsible adult when a child missing education is also identified as a welfare and/or safeguarding concern. Further information for schools can be found in the department's [School Attendance Guidance](#).
  - Further information on schools' duties regarding children missing education, including information schools must provide to the local authority when removing a child from the school roll at standard and non-standard transition points can be found in the department's statutory guidance: [Children Missing Education](#).
  - Further information for colleges providing education for a child of compulsory school age can be found in: [Full-time-Enrolment of 14 to 16 year olds in Further Education and Sixth Form Colleges](#).
  - General information and advice for schools and colleges can be found in the Government's [Missing Children and Adults Strategy](#).
58. The above is not intended to be an exhaustive list. These policies and procedures, along with Part one of this guidance and information regarding the role and identity of the designated safeguarding lead (and any deputies), should be provided to all staff on induction.
59. Governing bodies and proprietors should take a proportionate risk-based
- 20 When drafting the staff behaviour policy, schools and colleges should bear in mind the offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child.
- 21 [legislation.gov.uk](http://legislation.gov.uk).
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- approach to the level of information that is provided to temporary staff and volunteers.
60. Headteachers and principals should ensure that the above policies and procedures, adopted by governing bodies and proprietors, and particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff.
- The designated safeguarding lead**
61. Governing bodies and proprietors should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed to the role of designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection. This should be explicit in the roleholder's job description (see Annex B, which describes the broad areas of responsibility and activities related to the role).
62. It is a matter for individual schools and colleges as to whether they choose to

have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead.

63. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for safeguarding and child protection, as set out above, remains with the designated safeguarding lead. This responsibility should not be delegated.

64. The designated safeguarding lead and any deputies should liaise with the three safeguarding partners and work with other agencies in line with [Working Together to Safeguard Children](#).

65. During term time, the designated safeguarding lead and/or a deputy should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

66. The designated safeguarding lead and any deputies should undergo training to provide them with the knowledge and skills required to carry out the role. The training should be updated every two years.

67. In addition to their formal training as set out above, their knowledge and skills should be updated (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, and at least annually, to keep up with any developments relevant to their role.

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### **Multi-agency working<sup>22</sup>**

68. Schools and colleges have a pivotal role to play in multi-agency safeguarding arrangements. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#). It is especially important that schools and colleges understand their role in the new safeguarding partner arrangements.

69. New safeguarding partners and child death review partner arrangements are to be in place by 29 September 2019. Locally, the three safeguarding partners (the local authority; a clinical commissioning group for an area within the local authority; and the chief officer of police for a police area in the local authority area) will make arrangements to work together with appropriate relevant agencies to safeguard and promote the welfare of local children, including identifying and responding to their needs.

70. Governing bodies, proprietors, management committees and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their new local arrangements.

71. The three safeguarding partners have a shared and equal duty to work together to safeguard and promote the welfare of children. To fulfil this role they must set out how they will work together and with any relevant agencies.<sup>23</sup> Relevant agencies are those organisations and agencies whose involvement that the three safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need. The three safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with and the expectations placed on any agencies and organisations by the new arrangements.

72. The three safeguarding partners should make arrangements to allow all schools (including multi-academy trusts) and colleges in the local area to be fully engaged, involved and included in the new safeguarding arrangements. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and will reach their own conclusions on how best to achieve the active engagement of individual institutions in a meaningful way.

<sup>22</sup> The department published [Working Together Transitional Statutory Guidance](#) to support Local Safeguarding

Children Boards (LSCBs), the new safeguarding and child death review partners, and the new Child Safeguarding

Practice Review Panel in the transition from LSCBs and serious case reviews (SCRs) to a new system of multi-agency arrangements and local and national child safeguarding practice reviews. Locally, the three safeguarding partners (the local authority; a clinical commissioning group for an area within the local authority; and the chief officer of police for a police area in the local authority area) must make arrangements to work together to safeguard and promote the welfare of local children, including identifying and responding to their needs. Governing bodies, proprietors, management committees and their senior leadership teams, especially their designated safeguarding leads, should be aware of their local arrangements.

23 A list of relevant agencies is available at: [legislation.gov.uk](https://legislation.gov.uk). Schools and colleges are included.

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73. If named as a relevant agency, schools and colleges, in the same way as other relevant agencies, are under a statutory duty to co-operate with the published arrangements.

74. Governing bodies and proprietors should understand the local criteria for action<sup>24</sup> and the local protocol for assessment<sup>25</sup> and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the three safeguarding partners.<sup>26</sup>

75. Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated offer of early help when additional needs of children are identified, and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools and colleges should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

### **Information sharing**

76. Information sharing is vital in identifying and tackling all forms of abuse and neglect. As part of meeting a child's needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the process and principles for sharing information within the school or college and with the three safeguarding partners, other organisations, agencies and practitioners as required. School and college staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care.

77. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018 and the GDPR place duties on organisations and individuals to process personal information fairly and lawfully and to keep the

24 The safeguarding partners should publish a document which sets out the local criteria for action in a way that is transparent, accessible and easily understood. This should include: the process for the early help assessment and the type and level of early help services to be provided; the criteria, including level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17, 20, 31 and 47 of the Children Act 1989; and clear procedures and processes for cases relating to the exploitation of children,

children managed within the youth secure estate and disabled children.

25 The local authority, with their partners, should develop and publish local protocols for assessment. Protocols should set out clear arrangements for how cases will be managed once a referral is made to children's social care.

26 More details on information requests by the safeguarding partners is provided in Part 3 of [Working Together to Safeguard Children](#).

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information they hold safe and secure.

**78. The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.**

79. Governing bodies and proprietors should ensure relevant staff have due regard to the data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018 and the GDPR. Relevant staff should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'. Schools should not under the GDPR as supplemented by the Data Protection Act 2018 provide pupils' education data where the serious harm test under that legislation is met. Therefore, in a situation where a child is in a refuge, this could mean that schools can withhold education data under the GDPR; they should do so where the serious harm test is satisfied.

80. Governing bodies and proprietors should ensure that staff who need to share 'special category personal data' are aware that the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

81. Further details on information sharing can be found:

- in Chapter one of [Working Together to Safeguard Children](#), which includes a myth-busting guide to information sharing;
- at [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful; and
- at [The Information Commissioner's Office \(ICO\)](#), which includes ICO GDPR FAQs and guidance from the department.

82. Where children leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.

83. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in

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advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.

### **Staff training**

84. Governing bodies and proprietors should ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The



training should be regularly updated. Induction and training should be in line with advice from the local three safeguarding partners.

85. In addition, all staff should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

86. Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

### **Online safety**

87. As schools and colleges increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and proprietors keep their children safe online is provided in Annex C.

### **Opportunities to teach safeguarding**

88. Governing bodies and proprietors should ensure that children are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum.

89. This may include covering relevant issues through Relationships Education and Relationships and Sex Education (formerly known as Sex and Relationship Education), tutorials (in colleges) and/or where delivered, through Personal, Social, Health and Economic (PSHE) education. The Government has made regulations which will make the subjects of Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) mandatory from September 2020.

90. Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place, they should be careful that “over 24

blocking” does not lead to unreasonable restrictions as to what children can be taught with regard to online teaching and safeguarding.

### **Inspection**

91. From September 2019, Ofsted’s inspections of early years, schools and post-16 provision will be carried out under: [Ofsted's Education Framework](#). Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective. In addition to the Framework and Inspections Handbooks, Ofsted publishes specific guidance to inspectors on inspecting safeguarding: [Inspecting safeguarding in early years, education and skills](#). The Independent Schools Inspectorate (ISI) is approved to inspect certain independent schools, and will also report on safeguarding arrangements. ISI has a published framework which informs how they inspect at [Independent Schools Inspectorate](#).

### **Safer recruitment**

92. In line with Part three of this guidance, governing bodies and proprietors should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised. The school or college should have written recruitment and selection policies and procedures in place.

93. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.<sup>27</sup> Governing bodies of maintained schools may choose appropriate training and may take advice from the local three safeguarding partners in doing so. The training should cover, as a minimum, the content of this guidance.

## What school and college staff should do if they have concerns about another staff member who may pose a risk of harm to children

94. Governing bodies and proprietors should ensure there are procedures in place (as described in paragraph 35) to manage concerns/allegations, against staff (including volunteers) that might indicate they would pose a risk of harm to children. Such

27 Regulation 9 of the School Staffing (England) Regulations 2009.

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allegations should be referred to the designated officer(s) at the local authority by the appropriate person as set out in Part four of this guidance.

95. There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.<sup>28</sup>

96. **This is a legal duty and failure to refer when the criteria are met is a criminal offence.**<sup>29</sup> More detail is provided at paragraph 169.

### Peer on peer abuse

97. **All** staff should recognise that children are capable of abusing their peers. All staff should be clear about their school's or college's policy and procedures with regard to peer on peer abuse.

98. Governing bodies and proprietors should ensure that their child protection policy includes:

- procedures to minimise the risk of peer on peer abuse;
  - how allegations of peer on peer abuse will be recorded, investigated and dealt with;
  - clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
  - a clear statement that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”;
  - recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
  - the different forms peer on peer abuse can take, such as:
    - sexual violence and sexual harassment. Part five of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;
    - physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
    - sexting (also known as youth produced sexual imagery): the policy should include the school's or college's approach to it. The department provides
- 28 Section 35 of the Safeguarding Vulnerable Groups Act 2006.  
29 Section 38 of the Safeguarding Vulnerable Groups Act 2006.

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[Searching Screening and Confiscation Advice](#) for schools. The UK Council for Internet Safety (UKCIS) Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#); and

- initiation/hazing type violence and rituals.

### The child's wishes

99. Where there is a safeguarding concern, governing bodies, proprietors and school or college leaders should ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the **best** interests of the child at heart.

### Boarding schools, residential special schools, residential colleges and children's homes

100. Boarding schools, residential special schools, residential colleges and children's homes have additional factors to consider with regard to safeguarding. Schools and

colleges that provide such residential accommodation and/or are registered as children's homes should be alert to inappropriate pupil or student relationships and the potential for peer on peer abuse, particularly in schools and colleges with a significant gender imbalance. Further details can be found at Annex D.

### **Looked after children and previously looked after children**

101. The most common reason for children becoming looked after<sup>30</sup> is as a result of abuse and/or neglect. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding to keep looked after children safe.

102. In particular, they should ensure that appropriate staff have the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents, or on an interim or full care order) and the child's contact arrangements with birth parents or those with parental responsibility. They should also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The designated safeguarding lead<sup>31</sup> should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child.

30 A child who is looked after by a local authority (referred to as a looked-after-child) as defined in section 22 Children

Act 1989, means a child who is subject to a care order (interim or full care order) or who is voluntarily accommodated

by the local authority.

31 In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

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103. A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with looked after children and previously looked after children, it is important that all agencies work together and prompt action is taken when necessary to safeguard these children, who are a particularly vulnerable group.

### **The designated teacher**

104. Governing bodies of maintained schools and proprietors of academies must appoint a designated teacher<sup>32</sup> and should work with local authorities to promote the educational achievement of registered pupils who are looked after. With the commencement of sections 4 to 6 of the Children and Social Work Act 2017, designated teachers have responsibility for promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales.<sup>33</sup> The designated teacher must have appropriate training and the relevant qualifications and experience.<sup>34</sup> In other schools and colleges, an appropriately trained teacher should take the lead.

105. Statutory guidance contains further information on [The Role and Responsibilities of the Designated Teacher](#).

### **Virtual school heads**

106. Virtual school heads<sup>35</sup> manage pupil premium plus for looked after children;<sup>36</sup> they receive this funding based on the latest published number of children looked after by the local authority. In maintained schools and academies, the designated teacher should work with the virtual school head to discuss how funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education plan.<sup>37</sup> The designated teacher should also work with the virtual school head to promote the educational achievement of previously looked after children.

32 Section 20 of the Children and Young Persons Act 2008 sets this requirement for maintained schools. This

legislation and accompanying statutory guidance on [the role of designated teacher](#) applies to academies through their funding agreements.



33 For the purposes of the role of the virtual school head and designated teacher, under the Children and Social Work Act 2017, previously looked-after children are those who: are no longer looked after by a local authority in England and Wales (as defined by the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014) because they are the subject of an adoption, special guardianship or child arrangements order; or were adopted from 'state care' outside England and Wales.

34 Section 20(3) of the Children and Young Persons Act 2008 and regulation 3 of the Designated Teacher (Looked After Pupils etc) (England) Regulations 2009.

35 Section 22(3B) of the Children Act 1989 requires local authorities in England to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children.

That person (known as the virtual school head) must be an officer employed by the authority or another local authority in England.

36 Pupil premium plus for previously looked after children is managed by their school.

37 All looked after children must have a personal education plan (PEP). This is part of the care plan that the local authority looking after the child must have in place and review regularly.

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In other schools and colleges, an appropriately trained teacher should take the lead.

107. As with designated teachers, following the commencement of sections 4 to 6 of the Children and Social Work Act 2017, virtual school heads have responsibilities towards children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England or Wales.

Their primary role for this group will be the provision of information and advice to relevant parties.<sup>38</sup>

108. Statutory guidance on [Promoting the Education of Looked After Children](#) contains further information on the roles and responsibilities of virtual school heads.

### **Care leavers**

109. Local authorities have on-going responsibilities to the young people who cease to be looked after and become care leavers.<sup>39</sup> That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. Designated safeguarding leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver, and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

### **Children with special educational needs and disabilities**

110. Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- being more prone to peer group isolation than other children;
- the potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers.

38 Any person that has parental responsibility for the child; providers of funded early years education, designated

teachers for previously looked-after children in maintained schools and academies, and any other person the authority

considers appropriate for promoting the educational achievement of relevant children.

39 A care leaver who is 16 or 17 (referred to in legislation as a 'relevant child' is defined in section 23A(2) of the

Children Act 1989 as a child who is (a) not looked after (b) aged 16 or 17, and (c) was, before ceasing to be looked

after by a local authority, looked after for a period of 13 weeks, or periods amounting in total to 13 weeks, beginning

after s/he reached the age of 14 and ended after s/he reached the age of 16.

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