

Keeping Children Safe in Education (KCSIE) September 2021 Updates



**Veema
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The latest version of 'Keeping Children Safe in Education (KCSIE)' comes into force on 1 September 2021. It is important those international schools following a UK curriculum know of these changes so they can embed them into their school policies and provide updated training.

Key elements and changes

Staff who don't work directly or regularly with children need only read the condensed version of Part 1 Annex A. Those who work directly with children regularly **must** read the full version.

- ✓ Tackling sexual violence and harassment, including peer-on-peer abuse — new guidance and expectations.
- ✓ School's child protection policy — new information.
- ✓ Allegations against staff — updated guidance on those that may meet the 'harm threshold' and those who don't.
- ✓ Online safety — guidance moved to Part 2 to increase prominence. Previously in Annex C.
- ✓ Recruitment processes — new best practice advice and updated guidance on conducting pre-employment checks.

Next steps

- ✓ Discuss with your headteacher training for staff about KCSIE 2021 and how to tackle sexism and sexual harassment in your school.
- ✓ Decide to which staff the condensed Part 1 applies.
- ✓ Update your school's child protection policy, review and approve.
- ✓ Update your school's behaviour policy, if necessary, to ensure the inclusion of measures to prevent all bullying — cyber, prejudice-based and discriminatory.
- ✓ Develop a [culture of inclusion and safety](#).
- ✓ Monitor all efforts to prevent sexual harassment and abuse in your school.

Condensed version of Part 1 (Annex A)

You and your school leadership team need to decide which version will most effectively help your staff members fulfil their safeguarding responsibilities.

Staff who **don't** work directly or regularly with children should read either:

- ✓ Part 1 of KCSIE completely or,
- ✓ The condensed version of Part 1 (located in Annex A)

Changes to Part 1 — Safeguarding information for all staff

All staff working directly with children are expected to read this.

New information — what staff should be alert to (paragraphs 18 to 23 and 52)

Clarification — all staff should:

- ✓ Reassure victims that they are being taken seriously and will receive appropriate support and be kept safe. The impression should not be given that they are a 'problem' or made to feel ashamed about reporting anything.
- ✓ Know the indicators of abuse and neglect relating to specific safeguarding issues. For example, child criminal exploitation and child sexual exploitation.
- ✓ Be aware that there may be multiple overlapping safeguarding issues.
- ✓ Know the risk factors that make it more likely a child will be involved in serious violence.
- ✓ Be aware of the updated factors indicating a child would benefit from early intervention. These include health conditions, mental health needs, having a family member in prison or being affected by parental offending, the risk of honour-based abuse, female genital mutilation (FGM) or forced marriage, and persistent absences, including those for just part of the day.
- ✓ Be aware that the updated list of extra-familial harms now includes sexual abuse and county lines.

New expectations — peer-on-peer abuse (paragraphs 24, 29, 46, 47, 48 and 50)

It is now expected all staff should:

- ✓ Be aware of the significant role technology plays in many safeguarding and wellbeing issues, such as online abuse.

It is expected all staff should understand that online abuse includes:

- ✓ Sending abusive, harassing and misogynistic messages.
- ✓ The non-consensual sharing of indecent, nude and semi-nude images or videos, particularly on chat groups.
- ✓ The sharing of abusive images and pornography with those who don't want to receive them.

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Staff should also be able to:

- ✓ Recognise indicators of peer-on-peer abuse and respond to any reports of such.
- ✓ Appreciate that peer-on-peer abuse could be happening even if not reported.
- ✓ Understand their role in preventing online abuse and how they should respond if they believe a child is at risk from it.
- ✓ Understand the importance of challenging inappropriate behaviours between peers to prevent an unsafe environment that can create a culture that normalises abuse.
- ✓ Be aware that abuse can take place inside and outside of school or online.

Updated guidance — types of peer-on-peer abuse (paragraph 49)

- ✓ The definition of bullying now includes prejudiced-based and discriminatory bullying.
- ✓ Abuse in intimate personal relationships between peers has been added.
- ✓ The definition of physical abuse now includes an online element about facilitating, threatening or encouraging physical abuse.
- ✓ The definition of sexual violence now includes an online element about facilitating, threatening or encouraging sexual violence.
- ✓ Causing someone to engage in sexual activity without consent, for instance, by forcing them to strip, touch themselves sexually, or engage in sexual activity with a third-party is now added.
- ✓ The definition of 'sexting' now refers specifically to the consensual and non-consensual sharing of nude and semi-nude images and videos.
- ✓ The definition of 'upskirting' now specifies that it typically involves taking a picture under a person's clothing without their permission. Previously this said 'without them knowing'.
- ✓ The definition of initiation or hazing type violence now includes an explanation of what may be involved, including online.

New information — child criminal exploitation (CCE) and child sexual exploitation (CSE) (paragraphs 32 to 39)

CCE — new paragraphs explain that:

- ✓ This can include vehicle crime and the threatening or committing of serious violence. Examples were previously included in Annex B.
- ✓ Children can become trapped if they or their families are threatened with violence and coerced into debt or carrying weapons as a form of protection.
- ✓ Children involved in criminal exploitation should be treated as victims, particularly if they are older, and even if they have committed crimes themselves.
- ✓ Girls are at risk of criminal exploitation, though their experience may be different from boys.

CSE — New paragraph:

- ✓ States this is a form of child sexual abuse.
- ✓ Specifies different activities involved, including physical and non-physical contact.
- ✓ Adds details about which pupils this can affect. This was previously included in Annex B.
- ✓ Clarifies that some children might not realise they are being exploited, for example, if they believe there are in a romantic relationship.

Other changes

Part 2 — The management of safeguarding

To be read by headteachers, designated safeguarding lead (DSL) teams and governors.

New information — Responsibilities for safeguarding

Paragraph 8 — Headteachers should ensure that school policies and procedures adopted by the governing board are understood

and followed by all staff, particularly when related to referrals of suspected cases of abuse or neglect.

Paragraph 82 — Governing boards should have a whole school or college safeguarding approach, with child protection underpinning all relevant processes and policy decisions.

Paragraph 119 — Where necessary, governing boards should ensure that teaching about safeguarding and online safety is adapted to meet the needs of vulnerable children, victims of abuse and some SEND.

New information — School policies (paragraphs 85, 126 and 185)

Any child protection policy should:

- ✓ Be based on a whole-school approach to peer-on-peer abuse.
- ✓ Have systems for pupils to report peer-on-peer abuse. These should be widely promoted, easily understood and readily accessible.
- ✓ Recognise that peer-on-peer abuse, even if not reported, might still be taking place.
- ✓ State that a zero-tolerance approach to abuse is being followed.
- ✓ Acknowledge different forms of peer-on-peer abuse.
- ✓ Advise about online safety and the potential for peer-on-peer abuse when using the internet or mobile phones.
- ✓ Recognise serious violence may be an issue for some children and that there may be additional barriers when it comes to recognising the abuse SEND pupils may be suffering.

Paragraph 13 — Your behaviour policy should contain measures for preventing all forms of bullying, including cyber, prejudice-based and discriminatory.

Paragraph 88 — Appropriate safer recruitment policies should be in place that are aligned with guidance in Part 3.

Paragraph 185 — There should be appropriate safeguarding policies for SEND and in support of pupils with medical conditions.

New information — Training (paragraphs 117 and 118)

Regular staff safeguarding training should:

- ✓ Be integrated into the whole safeguarding approach of a school or college.
- ✓ Expect teachers to manage behaviour effectively to create a safe environment in a way that is aligned with Teachers' Standards.

Paragraph 125 — Consider how online safety is reflected in the curriculum, relevant policies, teacher training generally and the role of the DSL in particular.

Paragraph 174 — Details on the training available for senior mental health leads.

New information — Online safety (paragraphs 123 to 135)

A significant amount of new material is added to Annex C to make clear that online safety should be part of a whole school safeguarding approach. This contains the following additions:

- ✓ Reference to parental engagement relating to online safety.
- ✓ There must be 'an appropriate level of security' to protect users and their data.
- ✓ 'Commerce' is now a fourth area of risk. This covers areas such as gambling.
- ✓ Definitions are updated for the existing risk areas of 'content' and 'conduct'.
- ✓ Reviews of safeguarding approaches, including an assessment of risks your pupils face, should be completed annually.

Other changes

Part 3 — Further details about safer recruitment measures

There have been no changes to your statutory requirements in this section.

New information — The recruitment process (paragraphs 188 to 213)

There is more detail and new expectations to reflect recruitment best practice in advertising, shortlisting, interviewing and ensuring ongoing vigilance. This covers:

- ✓ What to include in jobs and application forms.
- ✓ Shortlisting and interviewing candidates, including what sort of questions to ask.
- ✓ Ensuring the ongoing safeguarding of children and an employer's legal reporting duties.
- ✓ Following up on references.
- ✓ A line has been added to confirm self-declaration forms for shortlisted candidates should meet the Ministry of Justice's guidance about the disclosure of criminal records.

New information on pre-employment checks (paragraph numbers below)

The following changes are made:

- ✓ 16-19 academies and special post-16 institutions now have a legal requirement to perform safer recruitment checks, and to carry these out when legislation doesn't cover (see footnote 54 on page 52) and (paragraph 212).
- ✓ Clarification about performing pre-employment checks to identify those who may be unsuitable to work with children or legally prohibited from doing so or working as a teacher (paragraph 211).
- ✓ Being aware of name changes when verifying a candidate's identity and that it is best practice to check birth certificates, when available (paragraph 213).

For Disclosure and Barring Service (DBS) checks

- ✓ DBS certificates, if required, must be obtained before, or as soon as practicable after the appointment, including when the DBS Update Service is used (paragraph 223).
- ✓ A new paragraph sets out the specific circumstances about when to carry out separate barred list checks (paragraph 229).
- ✓ When copies of DBS certificates are destroyed, a record can be kept of the result and recruitment decision taken, if so desired (paragraph 258).

For section 128 checks

- ✓ 'Management positions in independent schools' is most likely to mean headteachers, principals, deputy and assistant headteachers, governors and trustees (paragraph 238).
- ✓ Maintained school governors must be DBS checked since those prevented from managing in an independent school by a section 128 direction are also disqualified from being a governor of a maintained school (paragraph 297).
- ✓ Associate members only need DBS checks if they are engaging in regulated activity (paragraph 298).

New information on checks of individuals who have lived or worked outside the UK (paragraphs 216, 262, 263, 266 and 267)

The following updates are included:

Clarification:

- ✓ While there is no requirement to perform enhanced DBS checks on applicants from abroad who have previously worked in the UK, you may choose to request one to ensure you have up-to-date information.
- ✓ DBS certificates must be obtained for those who have lived or worked outside the UK, even if they've never been to the UK previously.
- ✓ A similar approach should be taken with those who have lived or worked outside the UK, irrespective of whether this was in a European Economic Area (EEA) country or another part of the world.

Updated guidance about the additional checks that may be considered 'appropriate':

- ✓ Clarification about obtaining a letter, through the applicant, from the professional regulating authority. Previously called a 'certificate of professional competence', this was only for teaching positions.
- ✓ Provide links to contact details of the relevant authority.
- ✓ Add links to the DfE's guidance on [recruiting teachers from overseas](#).
- ✓ Be aware that the nature and detail of information provided varies between countries.
- ✓ Note added explaining that having a teaching qualification is no guarantee a person is suitable to work with children.
- ✓ International Schools can use ACRO Criminal Records Office (www.acro.police.uk/) and other organisations to perform necessary safer recruitment checks on staff.

New information — the single central record (SCR) (paragraphs 251, 254 and 280)

Clarifications to the guidance:

- ✓ All staff must be added to the SCR, even if they work at your school for a day.
- ✓ Once they no longer work at your school, details of individuals should be removed from the SCR.
- ✓ You may wish to record details of fee-funded trainees on the SCRA, though this is not required.

New information — agency staff, contractors and visitors (paragraphs 269 to 286)

Guidance clarified about agency staff:

- ✓ In the enhanced Disclosure and Barring Service (DBS), a copy of which your school should receive, check with the agency that any 'matter or information' or 'any information was provided to the employment business' is disclosed.
- ✓ Before appointing an individual, an agency or third-party, you must obtain the enhanced DBS certificate with barred list information for agency and third-party staff, if this is required.
- ✓ For contractors, a school should state safeguarding requirements in the contract with them.

New paragraphs on visitors:

- ✓ Outline different types of visitors to a school.
- ✓ Clarify that most visitors only need their ID checked. Those visiting in a professional capacity need to have their DBS checked.
- ✓ Explain that safeguarding policies should set out arrangements for those entering the premises. This may include an assessment of the educational value or age-appropriateness of what is being delivered and whether relevant checks may be required.

New information — making referrals to the DBS (paragraphs 329 and 331)

Guidance is updated to explain that:

- ✓ Your school must make a referral to the DBS when someone is removed from a regulated activity and there is a belief that they:
 - Engaged in relevant conduct with children or adults.
 - Satisfy the harm test relating to children or vulnerable adults.
 - Have been cautioned or convicted of a relevant offence where there is automatic barring either with or without the right to make representations.

Should your school remove an individual from regulated activity it's important to provide as much relevant information as possible when making a referral to the DBS.

Other changes

Part 4 — Handling allegations against staff

Part 4 has been split into two sections covering two levels of allegation — those that meet the harm threshold and those that don't.

Allegations that may meet the harm threshold — initial response (paragraphs 338 to 350)

The updated guidance explains that:

- ✓ In line with local procedures, your school should make basic enquiries to establish facts before you contact the local authority designated officer (LADO).
- ✓ Any investigation should be led by a case manager, probably the headteacher or principal, who should discuss with the DSL any concerns relating to the welfare of other children in the community or a member of staff's family and make a risk assessment accordingly. At this point, the DSL might make a referral to children's social services.
- ✓ If their behaviour outside of school might make an individual unsuitable to work with children, this is a 'transferrable risk' that should be assessed.

Allegations possibly meeting the harm threshold: allegation outcomes

Paragraphs 364, 369 and 389 are updated:

- ✓ Rather than suspending a member of staff, consider moving a child to a class where they will have no contact with the staff member.
- ✓ Information about any staff member involved cannot be shared with staff or parents who are not directly involved.
- ✓ The DSL will be the one to consider appropriate next steps if reports are found to be 'unsubstantiated, unfounded, false or malicious'.
- ✓ The school should consider possible disciplinary action based on its behaviour policy if reports are found to be 'deliberately invented or malicious'.

New guidance on allegations not meeting the harm threshold ('low level' concerns) (paragraphs 406 to 427)

New paragraphs:

- ✓ Explain that schools should have policies and processes for managing concerns and allegations not meeting the 'harm threshold'.
- ✓ Explain how a school can promote an open and transparent culture so concerns are shared and dealt with promptly and appropriately.
- ✓ Define and give examples of low-level concerns.
- ✓ Explain how to record low-level concerns.

Other changes

Part 5 — Child-on-child sexual violence and sexual harassment

New information in the summary. Updated paragraphs 428 to 434 explain that:

- ✓ Part 5 guidance refers to child-on-child sexual violence and harassment taking place in or outside of school as well as online.
- ✓ All staff must adopt and maintain an 'it could happen here' attitude.
- ✓ Addressing inappropriate behaviour helps prevent abusive and violent behaviours.
- ✓ Victims are often distressed by such abuse in ways that affect their progress at school. This can be made worse should the alleged perpetrator(s) attend the same school.
- ✓ Girls are more likely to be victims and boys the perpetrators. Staff should be aware of this.
- ✓ Not just individuals but groups can be involved, which is why reference is made to 'perpetrator(s)'.

- ✓ Part 5 should be read alongside the [DfE's advice on sexual violence and harassment](#).

New information — responding to an initial disclosure (paragraphs 441 to 444)

Updated procedures:

- ✓ Staff should act on concerns immediately. Don't wait for a child to make a disclosure.
- ✓ Overheard conversations suggesting a child may have been harmed could indicate that action is needed.
- ✓ If there is an online element to abuse, staff should confiscate devices as evidence and hand them to the police.
- ✓ Staff should ask children outright if they've been harmed and in what way.
- ✓ Because of their vulnerability, disability, gender, ethnicity or sexual orientation, some children may face additional barriers when it comes to telling someone about harm done to them. Staff should be aware of this.
- ✓ When children report harm being done, staff should reflect what they hear back to the child, using the child's own language.
- ✓ Staff should recognise that the incident reported may not be the first and that the trauma associated with events can impact the memory making it more difficult for children to recall the details and timelines of abuse.

New information — next steps after the initial response (paragraphs 445 to 452)

- ✓ In response to a report of sexual harassment, the DSL's risk and needs assessment should also consider whether there are other victims.

Schools should:

- ✓ Respond appropriately to all reports and concerns about sexual violence and harassment online and offline, including those outside the school.
- ✓ Balance a victim's wishes against your responsibility to protect other children.
- ✓ Understand sexual violence and sexual harassment can occur within intimate personal relationships between peers.
- ✓ Consider the wider context, such as links to child sexual exploitation and child criminal exploitation, or the potential for sexual violence and harassment within intimate personal relationships.
- ✓ Ensure victim and alleged perpetrator(s) are kept a reasonable distance apart on school premises including during activities before and after school.
- ✓ Regularly review actions taken in response to reports and ensure relevant policies are updated accordingly to incorporate lessons learned and changing cultural issues.
- ✓ Record in writing all concerns, discussions and reasons for decisions made.
- ✓ Any school response should be based on the principle that 'there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated'.
- ✓ The DSL and their deputies should understand the early help process and know how to access support.
- ✓ Previous restrictions regarding the use of police bail are removed. The police themselves will now consider how to manage the assessed risk of harm, which could include police or court bail.

Other changes

Annex B — specific safeguarding issues

Updated guidance:

- ✓ CCE and CSE — some details moved to Part 1.
- ✓ County lines — added to the list of indicators of abuse.
- ✓ Domestic abuse — information added about the Domestic Abuse Act 2021. This includes the statutory definition.
- ✓ Channel — information added about sharing information with a new school.

- ✓ Peer-on-peer abuse — now reflects additions to Parts 1, 2 and 5 of KCSIE.
- ✓ Sexual violence and harassment — now reflects additions made to Parts 1, 2 and 5 of KCSIE.

New sections on:

- ✓ Child abduction and community safety incidents.
- ✓ Modern slavery.
- ✓ Cybercrime.

Annex C — the role of the designated safeguarding lead (DSL)

Role description now reflects DSL's additional responsibilities:

- ✓ Specific reference to online safety. DSLs should have lead responsibility for safeguarding and child protection.
- ✓ Working with mental health leads if safeguarding concerns are linked to mental health.
- ✓ The promotion of supportive engagement with parents and carers.
- ✓ The promotion of educational outcomes for children in need by understanding the issues they experience, past and current.
- ✓ Knowledge of who in the current cohort is being helped by a social worker so their academic progress and attainment can be properly monitored and high aspirations for them maintained.
- ✓ Working with teaching staff to provide additional academic support and making reasonable adjustments so children who have or have had a social worker can achieve their potential.
- ✓ Working with the headteacher and 'relevant strategic leads'.

On information sharing:

- ✓ Appreciate the importance of sharing information with other schools and colleges on transfer, both in-year and between primary and secondary education.
- ✓ Ensure the confidentiality and security of information kept in child protection files.
- ✓ Clarify that a child protection file should be sent to a new school or college within 5 days for in-year transfers, or the first 5 days of a new term beginning.

Training, knowledge and skills

DSLs are now expected to understand:

- ✓ How to identify and respond to those specific needs that increase the vulnerability of children.
- ✓ The specific harms that put children at risk.
- ✓ The importance of their own role in providing information and supporting children's social care to safeguard and promote the welfare of children.
- ✓ How adversity and trauma can have a long-lasting impact on educational attainment, behaviour, mental health and wellbeing, and how this should be responded to.
- ✓ The difficulties children may have in approaching staff about their circumstances and the need to build relationships of trust that facilitate communication.
- ✓ The specific requirements of children in need, such as those with disabilities, or relevant health needs and young carers.

If you would like to discuss any of the above with our team of accredited safeguarding consultants just reach out to us at cpd@veema.co.uk. Alternatively, visit our website to find out more about our [Safeguarding Training Packages](#). And for more information about our DSL supervision meetings contact [Costa Constantinou our Director of Educational Services](#).

Please note. Schools that book for our bespoke [Safeguarding training for 2021/22](#) will also receive a free training module from our Safeguarding and Child Protection INSET Pack that can either be used for follow-up or to train ancillary staff or parents.

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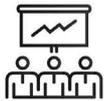
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