



Summary of Changes to KCSIE 2021

N.B. Until 1st September 2021 previous version is still in place

Introduction

Keeping Children Safe in Education has been extended from early years, schools and colleges to cover 16-19 academies (and apprenticeships). There is reference to the [Education and Training \(Welfare of Children\) Act 2021](#) which amends the Education Act 2002 and the Apprenticeships, Skills, Children and Learning Act 2009 and places safeguarding duties on 16 to 19 academies and further education to ensure that safeguarding responsibilities are understood and prohibiting funding being given if safeguarding requirements not complied with.

Any guidance and procedures regards part or whole school closures due to Covid now has to be included in the main body of your policy.

The emphasis on all staff reading KCSIE Part 1 has been replaced by a clear requirement that everybody in the setting understands their safeguarding responsibilities. It is up to governors and proprietors to make the decision on whether all staff read all of part 1 or the condensed version.

There is a shift in emphasis that governing bodies and proprietors are responsible for ensuring this understanding. Accountability for governing bodies and proprietors is threaded throughout the new document

Part 1 – Safeguarding Information for all staff

This is the section all staff are required to read dependant on the decision made by Governing body and proprietors. There is now a condensed version in Annexe A and Governing bodies/proprietors decide which version they want the staff to read.

Updated Information regards criminal exploitation, child sexual exploitation and serious violence in Part one and throughout the guidance. Which will help schools and colleges understand how to identify children at risk from these harms.

The update of Sexual harm and violence in schools' guidance is evident throughout the document and staff should use this for reference when they have concerns.

There is an explicit statement that the role of school and college staff includes promoting the child's welfare.

There is specific reference to the fact that the child protection policy should now include a policy and procedures around dealing with **peer-on-peer** abuse and there is a new section with explicit information on this area.

There is an expectation that behaviour policy includes measures to prevent [bullying](#) and [cyberbullying](#).

There is an expectation that "all staff should receive appropriate safeguarding and child protection training (including online safety) at induction, and that online safety training is provided as part of regular updates." There is an emphasis on how technology can increase risks to children, including that young people can be both victims and perpetrators of abuse.

Additional information that Child exploitation and [child mental health](#) issues are recognised as areas of vulnerability and extra-familial harms. There is a specific instruction that staff know what to do when a child discloses exploitation, as well as abuse or neglect. A new paragraph has been added to ensure young people are always taken seriously when disclosing anything and that they are supported to keep them safe.

Wording around sexting has been changed to sharing nudes or semi-nude images/video.

[Peer on peer \(child on child\) abuse](#) has been extended to include *abuse in intimate personal relationships between peers*.

There is a new sentence stating:

'Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children's social care (such as a child in need or a child with a protection plan)' (para. 60)

The definition of sexual abuse has been amended so that there is no longer a reference to a "high level of violence", instead now reading "Sexual abuse: involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence ..."

When considering whether a child is in need of early help, the remit in relation to disability and specific additional needs has been expanded to include certain health conditions. The same list has also been expanded to include children who have a mental health need, are at risk of 'honour'-based abuse, has a parent in prison (or is

affected by parental offending – this is included in the updates to Working Together in Dec 2020) or are persistently missing from education. The issue of county lines is also now mentioned as a specific issue. Staff should have a better awareness of the potential for a number of issues may be present for a child/young person and recognise and report.

Wording added to reinforce information sharing should be with the right people *between and within agencies*. Part one gives clear guidance on record keeping and highlights the benefits of a separate file for each child and structuring your recording with a clear and comprehensive summary of the concern, details of follow-up and resolution then any actions taken and the outcome for the child.

Strengthening when the need to refer concerns to Children’s Social Care you consider what is known about the child’s wider context.

There is now cross-reference to Working Together Chapter one for information about the social care assessment process and the serious case review process.

Schools and colleges should have processes and procedures in place to manage safeguarding concerns about staff members (including contractors, supply staff and volunteers).

Part 2 – Management of Safeguarding

Emphasis has been added around the role of the governing body or proprietor having “strategic leadership responsibility for their school’s or college’s safeguarding arrangements”. It further clarifies that it is the headteacher or principal’s role to ensure that staff understand and follow policies and procedures agreed by the governing body or proprietor. There is an expectation that there is a “whole school approach to safeguarding” and that safeguarding and child protection underpin all relevant policy and processes.

School leaders and governors should ensure that there are suitable systems and means by which children can say what is happening to them and know that they will be heard. There should be a statement in your policy that there is a zero-tolerance approach to Sexual Harassment and violence and Peer on Peer abuse, and that even if there are no reported cases, staff must not take the view that it does not happen in their settings. There is also additional information provided for clarity on the government’s view of what constitutes peer-on-peer abuse

The guidance around what should be in child protection policies has been enhanced.

Staff safeguarding training must be integral and aligned part of a whole school or college approach and wider staff training and curriculum planning. Reference also made to the Teacher’s Standards and the expectations within the standards around behaviour and understanding of the needs of all pupils. The guidance emphasises

that teaching about safeguarding and online safety will need a personalised approach. There are resource links in paragraph 121 to support this teaching.

The section on online safety has been substantially rewritten bringing in the contents of the Annex C from the previous version of Keeping Children Safe in Education.

A stronger link has been made to Part four around low-level concerns regards persons in a position of trust and the need to consider referring teachers to the Secretary of State via the TRA.

Governors/proprietors' responsibilities when hiring of or renting out of school / college premises / facilities to other organisations now include ensuring appropriate safeguarding arrangements are in place (including inspecting these as needed) and that the presence of these is a requirement of any agreement between the school / college and the other organisation.

There is emphasis on the additional risk of harm associated with alternative provision sites with links to the existing guidance. Similarly, guidance around risks to children persistently missing education and electively home educated

Finally, proprietors and governors of SEND provision will wish to reflect on the updated statutory guidance and ensure their child protection policy reflects the additional risks this cohort may face and how they will address the challenges this presents.

Part 3 – Safer Recruitment

This section has been significantly updated and strengthened around safer recruitment processes and there is an emphasis on the need to ensure that those involved in recruitment and employment of staff have received safer recruitment training.

There is an additional section about ensuring the ongoing safeguarding of children and legal reporting duties on employers which consolidates existing expectations to refer to various bodies if there are concerns about an individual.

This section now includes what was originally in Annex G (i.e. information about the types of disclosure and barring service checks that are available). It reinforces the the additional provisions brought in for 16-19 providers and further education by the Education and Training (Welfare of Children) Act 2021 and adds guidance on the use of birth certificates (identified as best practice) to check candidate's names.

Part 4 – Allegations and Safeguarding concerns

Part four has been separated into two sections – Section one for allegations that may meet the harms threshold and clear guidance on action to take and the process to be followed.

Section Two for allegations/concerns that do not meet the threshold i.e. low level concerns.

Section Two, for concerns that do not meet the harm threshold including what is meant by low level concerns, making the link between these concerns, staff code of conduct and safeguarding policies, and recording and sharing information. Guidance on whether this information should be included in references.

Part 5 – Child on Child Sexual Abuse and Harassment

In response to the Ofsted [Review of Sexual Abuse in Schools and Colleges](#) there are additional paragraphs setting out that such abuse can happen in or outside of the setting as well as online and the need for an “it could happen here” approach. All reports should be taken seriously and victims are fully supported. Links are made to [Sexual Violence and Sexual Harassment in schools guidance](#).

Schools & colleges need to recognise the scale and impact of harassment and abuse, and that non-recognition / downplaying the scale and scope leads to a dangerous culture in the setting. Staff must be vigilant and recognise young people may not always make a direct report and information may come from overheard conversations or observed behaviour changes.

The need for a zero-tolerance approach is reiterated throughout this Part. Education settings are also expected to review decisions and actions on a regular basis in order to update and improve their policies and practice.

There is a new section on unsubstantiated, unfounded, false or malicious reports which provides a reminder about recording concerns and what to do when a report is found to be unsubstantiated, unfounded, false or malicious including the need to consider whether the person making the allegation did so as a cry for help, or whether disciplinary action (in line with the behavioural policy) is required.

The guidance states that there can be a number of physical and mental health implications which may require additional support.

There is also a section on supporting the alleged perpetrator with further information about harmful sexual behaviour and provide signposting to sources of support.

Annex A – Safeguarding information for school and college staff – New annexe providing a condensed version of KCSIE Part one (2020). This condensed version can be provided (instead of Part 1) to those staff who do not directly work with children, if assessed by the governing body or proprietor to provide a better basis for those staff to promote the welfare and safeguard children.

Annex B – Further information – What was originally Annex A in the previous guidance has revised with additional information in relation to exploitation, modern slavery (and the National Referral Mechanism), county lines, peer-on-peer abuse

and preventing radicalisation. There are two new areas added in relation to child abduction and cybercrime.

The Annex has also been updated to reflect the implications of the Domestic Abuse Act 2021. As the guidance notes:

The Act introduces the first ever statutory definition of domestic abuse and recognises the impact of domestic abuse on children, as victims in their own right, if they see, hear or experience the effects of abuse. The statutory definition of domestic abuse, based on the previous cross-government definition, ensures that different types of relationships are captured, including ex-partners and family members. The definition captures a range of different abusive behaviours, including physical, emotional and economic abuse and coercive and controlling behaviour. Both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be “personally connected” (as defined in section 2 of the 2021 Act).

Annex C – Designated Safeguarding Lead (DSL) – This section has been revised around expectations about the working relationships the DSL should have, and where they should provide support.

The section on information sharing builds on the previous “Child protection file” section and covers:

- What should be included in safeguarding records
- Expectations around the transfer of records when a child leaves a school including in year transfers.
- The requirements around storing of records and access to those records with the expectation that the DSL will oversee this.
- A new paragraph added to ensure the DSL understands the importance of information sharing, the regulations around information sharing and the need to keep accurate and detailed records.

A new section has been included on understanding the views of children. This is to ensure the DSL is supported in developing knowledge and skills to encourage a culture of listening and reducing barriers to disclosure.

Annex D – online safety – This has now become a source of useful resources to help support DSLs in ensuring that online safety is considered throughout the setting. Online safety has now been included in the main sections of the KCSIE 2021.

Annexes E & F – no changes

Annex G – In the previous version which contained information about the types of DBS checks available. This has been removed as an annex from this version of Keeping Children Safe in Education.

This has now become the table of substantive changes from the previous version