

## Part two: The management of safeguarding

77. This part of the guidance sets out the responsibility of governing bodies, proprietors and management committees.

### Legislation and the law

78. Governing bodies and proprietors<sup>18</sup> have a strategic leadership responsibility for their school or college's safeguarding arrangements and **must** ensure that they comply with their duties under legislation. They **must** have regard to this guidance, ensuring policies, procedures and training in their schools or colleges are effective and comply with the law at all times<sup>19</sup>. Headteachers and principals should ensure that the policies and procedures, adopted by their governing bodies and proprietors (particularly those concerning referrals of cases of suspected abuse and neglect), are understood, and followed by all staff.

79. Where a school or college has charitable status, Charity Commission guidance on charity and trustee duties to safeguard children is available at [GOV.UK](https://www.gov.uk).

80. Governing bodies and proprietors should have a senior board level (or equivalent) lead to take **leadership** responsibility for their school or college's safeguarding arrangements<sup>20</sup>.

81. Governing bodies and proprietors should ensure that **all** governors and trustees

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<sup>18</sup> In the case of academies, free schools and alternative provision academies the proprietor will be the academy trust.

<sup>19</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. The Apprenticeships, Skills, Children and Learning Act 2009 (as amended) requires 16-19 Academies, Special Post-16 institutions and Independent Training Providers to make arrangements to ensure that the proprietor's functions relating to the conduct of the institution are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution. 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>20</sup> See [Working Together to Safeguard Children](#).

receive appropriate safeguarding and child protection (including online) training at induction. This training should equip them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place in schools and colleges are effective and support the delivery of a robust whole school approach to safeguarding. Their training should be updated regularly.

82. Governing bodies and proprietors should be aware of their obligations under the Human Rights Act 1998<sup>21</sup>, the Equality Act 2010<sup>22</sup>, (including the Public Sector Equality Duty<sup>23</sup>), and their local multi-agency safeguarding arrangements<sup>24</sup>.

## Human Rights Act

83. The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and contains the Articles and protocols of the European Convention on Human Rights (ECHR) (the Convention) that are deemed to apply in the UK. It compels public organisations to respect and protect an individual's human rights when they make individual decisions about them.

84. Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific Convention rights applying to schools and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination<sup>25</sup>, and
- Protocol 1, Article 2: protects the right to education.

85. Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach any or all of these rights, depending on the nature of the conduct and the circumstances. Further information (including on absolute and qualified rights) can be found at [Human Rights - Equality and Human Rights Commission](#).

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<sup>21</sup> [Human Rights Act 1998 \(legislation.gov.uk\)](#)

<sup>22</sup> [Equality Act 2010 Advice for schools](#)

<sup>23</sup> The Public Sector Equality Duty is a legal requirement for schools and colleges that are public bodies. [Public Sector Equality Duty \(advice for schools\)](#)

<sup>24</sup> See paragraphs 107-114 on multi-agency working

<sup>25</sup> As a matter of law, Article 14 only applies where the act complained of falls within the ambit of another Convention right, but in this context, it should always be assumed that either through Article 8 or Article 2 of Protocol 1, or both, Article 14 will be engaged.

## Equality Act 2010

86. Schools and colleges have obligations under the Equality Act 2010 (the Equality Act).

87. According to the Equality Act, schools and colleges **must** not unlawfully discriminate against pupils or students because of their sex, race, disability, religion or belief, gender reassignment, pregnancy and maternity, or sexual orientation (protected characteristics).

88. Whilst all of the above protections are important in the context of safeguarding, this guidance and the **legal duties** placed on schools and colleges, in relation to safeguarding and promoting the welfare of children, governing bodies and proprietors should carefully consider how they are supporting their pupils and students with regard to particular protected characteristics – including disability, sex, sexual orientation, gender reassignment and race.

89. Provisions within the Equality Act allow schools and colleges to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting pupils or students with certain protected characteristics in order to meet their specific need. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment. There is also a duty to make reasonable adjustments for disabled children and young people.

90. Guidance to help schools understand how the Equality Act affects them and how to fulfil their duties under the Act can be found at [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk), it may also be useful for colleges. For further information see [Equality Act guidance - Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com).

## Public Sector Equality Duty

91. The Public Sector Equality Duty (PSED) is found in the Equality Act. Compliance with the PSED is a legal requirement for state-funded schools and colleges, advice on this – including on specific duties, is set out in the advice linked in paragraph 90.

92. The PSED places a general duty on schools and colleges to have, in the exercise of their functions, due regard to the need to eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited under the Equality Act), to advance equality of opportunity and foster good relations between those who share a relevant protected characteristic and those who do not. The duty applies to all protected characteristics (see para 87) and means that whenever significant decisions are being made or policies developed, specific consideration must be given to the equality implications of these such as, for example, the need to eliminate unlawful behaviours that

relate to them, such as sexual violence and sexual harassment, misogyny/misandry and racism. This is one reason why good record-keeping and monitoring of all forms of abuse and harassment is essential.

93. The PSED helps schools and colleges (which are subject to it) to focus on key issues of concern and how to improve pupil and student outcomes. Some pupils or students may be more at risk of harm from specific issues such as sexual violence, homophobic, biphobic or transphobic bullying or racial discrimination. Such concerns will differ between education settings, but it is important schools and colleges are conscious of disproportionate vulnerabilities and integrate this into their safeguarding policies and procedures. For further information please see [Technical Guidance on the Public Sector Equality Duty: England - Equality and Human Rights Commission](#)

## Data Protection Act 2018 and the UK GDPR

94. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure. See ICO guidance '[For Organisations](#)' which includes information about your obligations and how to comply, including protecting personal information, and providing access to official information.

## Whole school and college approach to safeguarding

95. Governing bodies and proprietors should ensure they facilitate a whole school or college approach to safeguarding. This means involving everyone in the school or college, and ensuring that safeguarding, and child protection are at the forefront and underpin all relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the **best interests** of the child at their heart.

96. 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.

97. The school or college's safeguarding policies and procedures (some of which are listed below) should be transparent, clear, and easy to understand for staff, pupils, students, parents, and carers. Systems should be in place, and they should be well promoted, easily understood and easily accessible for children to confidently report, any form of abuse or neglect, knowing their concerns will be treated seriously, and knowing they can safely express their views and give feedback.

## Safeguarding policies and procedures

98. 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.

99. These policies should include individual schools and colleges having:

- an **effective child protection policy** which:
  - reflects the whole school/college approach to child-on-child abuse (see paragraph 156 and Part five)
  - reflects reporting systems as set out at paragraph 97
  - describes procedures which are in accordance with government guidance
  - refers to locally agreed multi-agency safeguarding arrangements put in place by the safeguarding partners (see paragraphs 107-114)
  - includes policies as reflected elsewhere in Part two of this guidance, such as online safety (see paragraph 138), and special educational needs and disabilities (SEND) (see paragraphs 199-202)
  - is reviewed annually (as a minimum) and updated if needed, so that it is kept up to date with safeguarding issues as they emerge and evolve, including lessons learnt; and
  - is available publicly either via the school or college website or by other means.
- a **behaviour policy**<sup>26</sup>, which includes measures to prevent bullying (including cyberbullying, prejudice-based and discriminatory bullying).
- a **staff behaviour policy** (sometimes called the code of conduct) which should, amongst other things, include low-level concerns, allegations against staff and whistleblowing, plus acceptable use of technologies (including the use of mobile devices), staff/pupil relationships and communications including the use of social media<sup>27</sup>.

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<sup>26</sup> All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy, it should be provided to staff at induction as described above.

<sup>27</sup> 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 they do not teach the child.

- **appropriate safeguarding arrangements** in place to respond to children who are absent from education, particularly on repeat occasions and/or for prolonged periods. More information is at paragraph 175).

100. The above is not intended to be an exhaustive list. These policies and procedures, along with Part one (or Annex A if appropriate) of this guidance and information regarding the role and identity of the designated safeguarding lead (and deputies), should be provided to all staff on induction.

101. Governing bodies and proprietors should take a proportionate risk-based approach to the level of information that is provided to temporary staff, volunteers and contractors.

102. In addition, governing bodies and proprietors should ensure:

- **child protection files** are maintained as set out in Annex C
- **appropriate safer recruitment policies** in accordance with Part three of this guidance are in place, embedded and effective and,
- where reasonably possible, schools and colleges hold **more than one emergency contact number** for each pupil or student. This goes beyond the legal minimum<sup>28</sup>. It 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 [Working together to improve school attendance guidance](#).

## The designated safeguarding lead

103. 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<sup>29</sup>. It is not appropriate for the proprietor to be the designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection (including online safety and understanding the filtering and monitoring systems and processes in place). This should

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<sup>28</sup> See The Education (Pupil Registration) (England) Regulations 2006, available at [legislation.gov.uk](http://legislation.gov.uk).

<sup>29</sup> When a school has a sole proprietor rather than a governing body, appropriate steps should be taken to ensure that the member of the senior leadership team who is appointed as designated safeguarding lead (DSL) is able to discharge that role with sufficient independence, particularly in relation to any allegations involving the proprietor or members of the proprietor's family. This may involve including in the appointment as DSL, written confirmation that part of the duties of the post involve contacting the Local Authority Designated Officer (LADO) on any matter that the DSL considers cannot be properly dealt with internally. Consideration could also be given to providing the DSL with access to external advice from an appropriate company or legal service.

be explicit in the role holder's job description.

104. Governing bodies and proprietors should ensure the designated safeguarding lead has the appropriate status and authority within the school or college to carry out the duties of the post. The role carries a significant level of responsibility and the postholder should be given the additional time, funding, training, resources, and support needed to carry out the role effectively.

105. It is for individual schools and colleges to decide whether they choose to have one or more deputy designated safeguarding lead. Any deputy (or deputies) should be trained to the same standard as the designated safeguarding lead.

106. See Annex C, which describes the broad areas of responsibility and activities related to the role.

## Multi-agency working

107. 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](#).

108. Safeguarding partners (the local authority; Integrated Care Boards (previously known as clinical commissioning group) for an area within the local authority; and the chief officer of police for an area any part of which falls within 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.

109. 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>30</sup> Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need.

110. [Working Together to Safeguard Children](#) is very clear that all schools (including those in multi-academy trusts) and colleges in the local area should be fully engaged, involved, and included in safeguarding arrangements. It is expected that, locally, the safeguarding partners will name schools and colleges as relevant agencies. Safeguarding partners will set out in their published arrangements which organisations and agencies they will be working with, and the expectations placed on any agencies and

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<sup>30</sup> For the list of relevant agencies see The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018 available at [legislation.gov.uk](http://legislation.gov.uk). Schools and colleges are included.

organisations by the arrangements. Once 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. They must act in accordance with the safeguarding arrangements.

111. It is especially important that schools and colleges understand their role within the local safeguarding arrangements. Governing bodies, proprietors, and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their local arrangements.

112. Governing bodies and proprietors should understand the local criteria for action<sup>31</sup> and the local protocol for assessment<sup>32</sup> and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the safeguarding partners.<sup>33</sup>

113. Schools and colleges should work with local authority children's 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.

114. All schools and colleges should allow access for local authority 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

115. Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including in relation to their educational outcomes. Schools and colleges have clear powers to share, hold and use information for these purposes.

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<sup>31</sup> 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, included 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.

<sup>32</sup> 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 local authority children's social care.

<sup>33</sup> More details on information requests by the safeguarding partners is provided in Part 3 of [Working Together to Safeguard Children](#).

116. 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 processes and principles for sharing information within the school or college and with local authority children's social care, the safeguarding partners and other organisations, agencies, and practitioners as required.

117. 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 local authority children's social care.

118. It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

119. Governing bodies and proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR.

This includes:

- being confident of the processing conditions 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'
- understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. It would be legitimate to share information without consent where: it is not possible to gain consent; it cannot be reasonably expected that a practitioner gains consent; and, if to gain consent would place a child at risk, and
- for schools, not providing pupils' personal data where the serious harm test under the legislation is met.<sup>34</sup> For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harm test is met, they must withhold providing the data in compliance with schools' obligations

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<sup>34</sup> The harm test is explained on the Disclosure and Barring service website on [GOV.UK](https://www.gov.uk). Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, available at [legislation.gov.uk](https://legislation.gov.uk)

under the Data Protection Act 2018 and the UK GDPR. Where in doubt schools should seek independent legal advice.

120. **The Data Protection Act 2018 and UK 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 safeguard and promote the welfare and protect the safety of children.**

121. 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
- at [The Information Commissioner's Office \(ICO\)](#), which includes information about your obligations and how to comply, including protecting personal information, [Sharing data to safeguard children FAQs](#) and providing access to official information
- in [Data protection: toolkit for schools](#) - Guidance to support schools with data protection activity, including compliance with the UK GDPR.

122. 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, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term to allow the new school or college to have support in place for when the child arrives. The designated safeguarding lead should ensure 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 special educational needs co-ordinators (SENCOs) or the named persons with oversight for special educational needs and disabilities (SEND) in a college, are aware as required.

123. 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 advance of a child leaving. For example, information that would allow the new school or college to continue supporting children who have had a social worker and been victims of abuse, or those who are currently receiving support through the 'Channel' programme and can have that support in place for when the child arrives. More information on the child protection file is in Annex C.

## Staff training

124. Governing bodies and proprietors should ensure that **all** staff undergo

safeguarding and child protection training (including online safety which, amongst other things, includes an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring – see para 141 for further information) at induction. The training should be regularly updated. Induction and training should be in line with any advice from local safeguarding partners.

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

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

127. Governing bodies and proprietors should ensure that, as part of the requirement for staff to undergo regular updated safeguarding training, including in relation to online safety (paragraph 124) and for children to be taught about safeguarding, including in relation to online safety (paragraph 129), that safeguarding training for staff, including online safety training, is integrated, aligned and considered as part of the whole school or college safeguarding approach and wider staff training and curriculum planning.

128. Whilst considering the above training requirements, governing bodies and proprietors should have regard to the Teachers' Standards<sup>35</sup> which set out the expectation that all teachers manage behaviour effectively to ensure a good and safe educational environment and requires teachers to have a clear understanding of the needs of all pupils.

## **Opportunities to teach safeguarding**

129. Governing bodies and proprietors should ensure that children are taught about how to keep themselves and others safe, including online. It should be recognised that effective education will be tailored to the specific needs and vulnerabilities of individual children, including children who are victims of abuse, and children with special educational needs and/or disabilities.

130. In schools, relevant topics will be included within Relationships Education (for all primary pupils), and Relationships and Sex Education (for all secondary pupils) and Health Education (for all primary and secondary pupils). In teaching these subjects

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<sup>35</sup> Guidance: [Teacher standards](#).

schools must have regard to the statutory guidance<sup>36</sup>, which can be found [here](#). Colleges may cover relevant issues through tutorials.

131. Schools and colleges play a crucial role in preventative education. Preventative education is most effective in the context of a whole school or college approach that prepares pupils and students for life in modern Britain and creates a culture of zero tolerance for sexism, misogyny/misandry, homophobia, biphobic and sexual violence/harassment. The school/college will have a clear set of values and standards, upheld and demonstrated throughout all aspects of school/college life. These will be underpinned by the school/college's behaviour policy and pastoral support system, as well as by a planned programme of evidence based RSHE delivered in regularly timetabled lessons and reinforced throughout the whole curriculum. Such a programme should be fully inclusive and developed to be age and stage of development appropriate (especially when considering the needs of children with SEND and other vulnerabilities). This program will tackle, at an age-appropriate stage, issues such as:

- healthy and respectful relationships
- boundaries and consent
- stereotyping, prejudice and equality
- body confidence and self-esteem
- how to recognise an abusive relationship, including coercive and controlling behaviour
- the concepts of, and laws relating to – sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, so-called 'honour'-based violence such as forced marriage and Female Genital Mutilation (FGM), and how to access support, and
- what constitutes sexual harassment and sexual violence and why these are always unacceptable.

132. The department has produced a one-stop hub for teachers which can be accessed here: [Teaching about relationships sex and health \(Gov.uk\)](#). This includes teacher training modules on the RSHE topics and non-statutory implementation guidance. Further guidance focused on teaching relationships education specifically to prevent sexual harassment and sexual violence will be published in the 22/23 academic year.

133. The following resources, plus many more listed in Annex B, may also help schools and colleges understand and teach about safeguarding:

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<sup>36</sup> With the exception that the regulations and guidance in relation to Health Education do not apply to independent schools that are not academies – separate regulations apply).

- DfE advice for schools: [teaching online safety in schools](#)
- UK Council for Internet Safety (UKCIS)<sup>37</sup> guidance: [Education for a connected world](#)
- UKCIS guidance: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)
- The UKCIS [external visitors guidance](#) will help schools and colleges to ensure the maximum impact of any online safety sessions delivered by external visitors
- National Crime Agency's [CEOP Education Programme](#): Protecting children and young people from online child sexual abuse through education
- Public Health England<sup>38</sup>: [Every Mind Matters](#)
- [Harmful online challenges and online hoaxes](#) – this includes advice on preparing for any online challenges and hoaxes, sharing information with parents and carers and where to get help and support.

134. Whilst it is essential that governing bodies and proprietors ensure that appropriate filtering and monitoring systems are in place, they should be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regard to online teaching and safeguarding.

## Online safety

135. It is essential that children are safeguarded from potentially harmful and inappropriate online material. An effective whole school and college approach to online safety empowers a school or college to protect and educate pupils, students, and staff in their use of technology and establishes mechanisms to identify, intervene in, and escalate any concerns where appropriate.

136. The breadth of issues classified within online safety is considerable and ever evolving, but can be categorised into four areas of risk:

**content:** being exposed to illegal, inappropriate, or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation, and extremism.

**contact:** being subjected to harmful online interaction with other users; for example:

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<sup>37</sup> UK Council for Internet Safety Education subgroup is made up of sector experts who collaborate to produce advice and guidance to support schools and colleges keep their children safe online.

<sup>38</sup>Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency, however branding remains unchanged.

peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes.

**conduct:** online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images (e.g. consensual and non-consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying, and

**commerce:** risks such as online gambling, inappropriate advertising, phishing and or financial scams. If you feel your pupils, students or staff are at risk, please report it to the Anti-Phishing Working Group (<https://apwg.org/>).

137. Governing bodies and proprietors should ensure online safety is a running and interrelated theme whilst devising and implementing their whole school or college approach to safeguarding and related policies and procedures. This will include considering how online safety is reflected as required in all relevant policies and considering online safety whilst planning the curriculum, any teacher training, the role and responsibilities of the designated safeguarding lead (and deputies) and any parental engagement.

### Online safety policy

138. Online safety and the school or college's approach to it should be reflected in the child protection policy which, amongst other things, should include appropriate filtering and monitoring on school devices and school networks. Considering the 4Cs (above) will provide the basis of an effective online policy. The school or college should have a clear policy on the use of mobile and smart technology, which will also reflect the fact many children have unlimited and unrestricted access to the internet via mobile phone networks (i.e. 3G, 4G and 5G). This access means some children, whilst at school or college, sexually harass, bully, and control others via their mobile and smart technology, share indecent images consensually and non-consensually (often via large chat groups) and view and share pornography and other harmful content. Schools and colleges should carefully consider how this is managed on their premises and reflect this in their mobile and smart technology policy and their child protection policy.

### Remote education

139. Guidance to support schools and colleges understand how to help keep pupils, students and staff safe whilst learning remotely can be found at [Safeguarding and remote education - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and [Providing remote education: guidance for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk). The NSPCC also provides helpful advice - [Undertaking remote teaching safely](http://www.nspcc.org.uk).

140. Schools and colleges are likely to be in regular contact with parents and carers.

Those communications should be used to reinforce the importance of children being safe online and parents and carers are likely to find it helpful to understand what systems schools and colleges use to filter and monitor online use. It will be especially important for parents and carers to be aware of what their children are being asked to do online, including the sites they will be asked to access and be clear who from the school or college (if anyone) their child is going to be interacting with online.

### **Filtering and monitoring**

141. Whilst considering their responsibility to safeguard and promote the welfare of children and provide them with a safe environment in which to learn, governing bodies and proprietors should be doing all that they reasonably can to limit children's exposure to the above risks from the school's or college's IT system. As part of this process, governing bodies and proprietors should ensure their school or college has appropriate filtering and monitoring systems in place and regularly review their effectiveness. They should ensure that the leadership team and relevant staff have an awareness and understanding of the provisions in place and manage them effectively and know how to escalate concerns when identified. Governing bodies and proprietors should consider the number of and age range of their children, those who are potentially at greater risk of harm and how often they access the IT system along with the proportionality of costs versus safeguarding risks.

142. The appropriateness of any filtering and monitoring systems are a matter for individual schools and colleges and will be informed in part, by the risk assessment required by the Prevent Duty<sup>39</sup>.

To support schools and colleges to meet this duty, the Department for Education has published [filtering and monitoring standards](#) which set out that schools and colleges should:

- identify and assign roles and responsibilities to manage filtering and monitoring systems
- review filtering and monitoring provision at least annually
- block harmful and inappropriate content without unreasonably impacting teaching and learning
- have effective monitoring strategies in place that meet their safeguarding needs.

Governing bodies and proprietors should review the standards and discuss with IT staff

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<sup>39</sup> [The Prevent duty Departmental advice for schools and childcare providers](#) and Home Office [Statutory guidance: Prevent duty guidance](#).

and service providers what more needs to be done to support schools and colleges in meeting this standard.

Additional guidance on “appropriate” filtering and monitoring can be found at: UK Safer Internet Centre: <https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/appropriate-filtering-and-monitoring>. The UK Safer Internet Centre produced a series of webinars for teachers on behalf of the Department. These webinars were designed to inform and support schools with their filtering and monitoring responsibilities and can be assessed at [Filtering and monitoring webinars available – UK Safer Internet Centre](#).

South West Grid for Learning ([swgfl.org.uk](http://swgfl.org.uk)) has created a [tool](#) to check whether a school or college’s filtering provider is signed up to relevant lists (CSA content, Sexual Content, Terrorist content, Your Internet Connection Blocks Child Abuse & Terrorist Content).

143. Support for schools when considering what to buy and how to buy it is available via the: [schools' buying strategy](#) with specific advice on procurement here: [buying for schools](#).

### **Information security and access management**

144. Education settings are directly responsible for ensuring they have the appropriate level of security protection procedures in place in order to safeguard their systems, staff and learners and review the effectiveness of these procedures periodically to keep up with evolving cyber-crime technologies. Guidance on e-security is available from the [National Education Network](#). In addition, schools and colleges should consider meeting the [Cyber security standards for schools and colleges.GOV.UK](#). Broader guidance on cyber security including considerations for governors and trustees can be found at [Cyber security training for school staff - NCSC.GOV.UK](#).

### **Reviewing online safety**

145. Technology, and risks and harms related to it, evolve, and change rapidly. Schools and colleges should consider carrying out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their children face. A free online safety self-review tool for schools can be found via the [360 safe website](#) or [LGfL online safety audit](#).

146. UKCIS has published Online safety in schools and colleges: [Questions from the governing board](#). The questions can be used to gain a basic understanding of the current approach to keeping children safe online; learn how to improve this approach where appropriate; and find out about tools which can be used to improve the approach. It has also published an [Online Safety Audit Tool](#) which helps mentors of trainee teachers and newly qualified teachers induct mentees and provide ongoing support, development and monitoring.

147. When reviewing online safety provision, the UKCIS [external visitors guidance](#) highlights a range of resources which can support educational settings to develop a whole school approach towards online safety.

### Further information and support

148. There is a wealth of additional information available to support schools, colleges and parents to keep children safe online. A sample is provided in Annex B.

### Inspection

149. Ofsted's inspections of early years, schools and post-16 provision are carried out under: [Ofsted's Education Inspection Framework](#). Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective.

150. In addition to the framework and inspections handbooks, the [Ofstednews YouTube channel](#) provides webinars on a range of topics that may help schools and colleges.

151. 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 it inspects at [Independent Schools Inspectorate](#).

### What school and college staff should do if they have a safeguarding concern, or an allegation is made about another staff member

152. Governing bodies and proprietors should ensure there are procedures in place as described in paragraph 71 and 73, to manage **any** safeguarding concerns (no matter how small) or allegations that **do not** meet the harm threshold, about staff members (including supply staff, volunteers, and contractors). 'Low-level' concerns should be addressed as set out in Section two of Part four of this guidance.

153. Governing bodies and proprietors should ensure there are procedures in place, as described in paragraphs 71 and 72, for staff to report concerns or allegations that **may** meet the harm threshold about staff members (including supply staff, volunteers, and contractors). These should be addressed as set out in Section one of Part four of this guidance.

154. 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>40</sup>. **This is a**

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<sup>40</sup> [Section 35 of the Safeguarding Vulnerable Groups Act 2006](#).

**legal duty and failure to refer when the criteria are met is a criminal offence**<sup>41</sup>. More detail is provided at paragraph 348.

155. Where a teacher’s employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must consider** whether to refer the case to the Secretary of State (via the Teaching Regulation Agency). Details about how to make a referral to the Teaching Regulation Agency can be found on [GOV.UK](https://www.gov.uk).

## Child-on-child abuse

156. **All** staff should recognise that children are capable of abusing other children (including online). **All** staff should be clear about their school or college’s policy and procedures with regard to child-on-child abuse.

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

- procedures to minimise the risk of child-on-child abuse
- the systems in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously
- how allegations of child-on-child abuse will be recorded, investigated, and dealt with
- clear processes as to how victims, perpetrators and any other children affected by child-on-child abuse will be supported
- a recognition that even if there are no reported cases of child-on-child abuse, such abuse may still be taking place and is simply not being reported
- a statement which makes clear there should be a zero-tolerance approach to abuse, and it should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys” as this can lead to a culture of unacceptable behaviours and an unsafe environment for children
- recognition that it is more likely that girls will be victims and boys perpetrators, but that all child-on-child abuse is unacceptable and will be taken seriously, and
- the different forms child-on-child abuse can take, such as:
  - bullying (including cyberbullying, prejudice-based and discriminatory bullying)

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<sup>41</sup> [Section 38 of the Safeguarding Vulnerable Groups Act 2006](#).

- abuse in intimate personal relationships between children (also known as teenage relationship abuse)
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- 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
- consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>42</sup> (also known as sexting or youth produced sexual imagery): the policy should include the school or college's approach to it. The department provides [Searching Screening and Confiscation Advice](#) for schools. The UKCIS Education Group has published [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) which outlines how to respond to an incident of nude and/or semi-nude images and/or videos being shared
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- upskirting (which is a criminal offence<sup>43</sup>), which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, and
- initiation/hazing type violence and rituals.

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

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

159. Schools and colleges that provide such residential accommodation and/or are registered as children's homes should, amongst other things, be alert to the extra vulnerabilities of SEND children in such settings, inappropriate pupil or student relationships and the potential for child-on-child abuse, particularly in schools and colleges where there are significantly more girls than boys or vice versa. They should,

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<sup>42</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive but children still need to know it is illegal, whilst non-consensual is illegal and abusive.

<sup>43</sup> [Voyeurism \(Offences\) Act 2019 \(legislation.gov.uk\)](#)

generally led by the designated safeguarding lead, work closely with the host local authority and, where relevant, any local authorities that have placed their children there.

160. Boarding schools, residential special schools, residential colleges, and children's homes have additional requirements in regard to safeguarding. These relate to National Minimum Standards and regulations for the relevant setting and all schools and colleges with residential provision for children **must** comply with their obligations relating to them.

161. The relevant standards and guidance for each sector are on GOV.UK and the relevant links are listed below:

- [The National Minimum Standards for Boarding Schools](#)
- [The National Minimum Standards for Residential Special Schools](#)
- [Further Education residential accommodation: National Minimum Standards](#)
- [Guide to the Children's Homes Regulations](#)

162. In addition, [The Visits to Children in Long-Term Residential Care Regulations 2011](#) apply to children living away from home in residential settings for periods of three months or more (including those placed in residential schools and colleges). An appropriate representative from the accommodating local authority **must** visit these settings to ensure the welfare of these children.

## **The use of 'reasonable force' in schools and colleges**

163. There are circumstances when it is appropriate for staff in schools and colleges to use 'reasonable force' to safeguard children. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

164. The department believes that the adoption of a 'no contact' policy at a school or college can leave staff unable to fully support and protect their pupils and students. The department therefore encourages, principals, governing bodies, and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use 'reasonable force' to control or restrain a child is down to the professional judgement of the staff concerned within the context of the law and should always depend on individual circumstances.

165. When using 'reasonable force' in response to risks presented by incidents involving children with SEND, mental health problems or with medical conditions, schools

and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 (see paragraphs 86-93), for example in relation to making reasonable adjustments and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use 'reasonable force'.

- Departmental advice for schools is available at [Use of Reasonable Force in Schools](#)
- HM Government guidance [Reducing the need for restraint and restrictive intervention](#) sets out how to support children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties who are at risk of restrictive intervention in special education settings, however all schools and colleges may find the information helpful.

## **Use of school or college premises for non-school/college activities**

166. Where governing bodies or proprietors hire or rent out school or college facilities/premises to organisations or individuals (for example to community groups, sports associations, and service providers to run community or extra-curricular activities) they should ensure that appropriate arrangements are in place to keep children safe.

167. When services or activities are provided by the governing body or proprietor, under the direct supervision or management of their school or college staff, their arrangements for child protection will apply. However, where services or activities are provided separately by another body this is not necessarily the case. The governing body or proprietor should therefore seek assurance that the provider concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting these as needed); and ensure that there are arrangements in place for the provider to liaise with the school or college on these matters where appropriate. This applies regardless of whether or not the children who attend any of these services or activities are children on the school roll or attend the college. The governing body or proprietor should also ensure safeguarding requirements are included in any transfer of control agreement (i.e. lease or hire agreement), as a condition of use and occupation of the premises; and that failure to comply with this would lead to termination of the agreement. The guidance on [Keeping children safe in out-of-school settings](#) details the safeguarding arrangements that schools and colleges should expect these providers to have in place.

## Alternative Provision

168. The cohort of pupils in Alternative Provision often have complex needs, it is important that governing bodies and proprietors of these settings are aware of the additional risk of harm that their pupils may be vulnerable to.

169. The department has issued two pieces of statutory guidance to which commissioners of Alternative Provision should have regard:

- [Alternative Provision](#) – DFE statutory guidance, and
- [Education for children with health needs who cannot attend school - GOV.UK \(www.gov.uk\)](#) – DFE statutory guidance.

## Children potentially at greater risk of harm

170. Whilst **all** children should be protected, it is important that governing bodies and proprietors recognise (and reflect in their policies and procedures) that some groups of children, are potentially at greater risk of harm than others (both online and offline). The list below, is not exhaustive, but highlights some of those groups.

### Children who need a social worker (Child in Need and Child Protection Plans)

171. Children may need a social worker due to safeguarding or welfare needs. Children may need this help due to abuse and/or neglect and/or complex family circumstances. A child's experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, learning, behaviour, and mental health.

172. Local authorities should share the fact a child has a social worker, and the designated safeguarding lead should hold and use this information so that decisions can be made in the best interests of the child's safety, welfare and educational outcomes. This should be considered as a matter of routine. There are clear powers to share this information under existing duties on both local authorities and schools and colleges to safeguard and promote the welfare of children.

173. Where children need a social worker, this should inform decisions about safeguarding (for example, responding to unauthorised absence or to a child missing education where there are known safeguarding risks) and about promoting welfare (for example, considering the provision of pastoral and/or academic support, alongside action by statutory services).

174. Findings from the Children in Need review, '[Improving the educational outcomes of Children in Need of help and protection](#)' contains further information; the conclusion of the review, '[Help, protection, education](#)' provides detail about the action the government is taking to support this.

## Children who are absent from education

175. Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign to a range of safeguarding issues including neglect, child sexual and child criminal exploitation - particularly county lines. It is important the school or college's response to persistently absent pupils and children missing education supports identifying such abuse, and in the case of absent pupils, helps prevent the risk of them becoming a child missing education in the future. This includes when problems are first emerging but also where children are already known to local authority children's social care and need a social worker (such as a child who is a child in need or who has a child protection plan, or is a looked after child), where being absent from education may increase known safeguarding risks within the family or in the community. Further information and support, includes:

- Guidance on school attendance [Working together to improve school attendance](#) including information on how schools should work with local authority children's services where school absence indicates safeguarding concerns.
- Information regarding 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](#).

## Elective Home Education (EHE)

176. Many home educated children have an overwhelmingly positive learning experience. We would expect the parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all, and home education can mean some children are less visible to the services that are there to keep them safe and supported in line with their needs.

177. From September 2016 the Education (Pupil Registration) (England) Regulations 2006 were amended so that schools must inform their local authority of all deletions from

their admission register when a child is taken off roll<sup>44</sup>.

178. Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, we recommend that local authorities, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has special educational needs or a disability, and/or has a social worker, and/or is otherwise vulnerable. Where a child has an Education, Health and Care plan local authorities will need to review the plan, working closely with parents and carers.

179. DfE guidance for local authorities on [Elective home education](#) sets out the role and responsibilities of local authorities and their powers to engage with parents in relation to EHE. Although this is primarily aimed at local authorities, schools should also be familiar with this guidance.

### **Children requiring mental health support**

180. Schools and colleges have an important role to play in supporting the mental health and wellbeing of their pupils.

181. Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Governing bodies and proprietors should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

182. The department is providing funding to support the costs of a significant training program for senior mental health leads. Training for senior mental health leads will be available to all state-funded schools and colleges by 2025, to help introduce or develop their whole school or college approach to mental health.

183. The senior mental health lead role is not mandatory and different senior leads will inevitably have various levels of knowledge and skills to promote wellbeing and mental health, and different responsibilities, as roles are locally defined to fit in with other relevant roles and responsibilities. However, we expect a senior mental health lead in a school/college will be a member of, or supported by the senior leadership team, and could be the pastoral lead, special educational needs co-ordinator (SENCO) or the named person with oversight for SEND in a college or designated safeguarding lead. We

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<sup>44</sup> This requirement does not apply where a pupil's name is deleted after they have completed the final year at the school (e.g. Year 6 at a typical primary school) unless the local authority have asked to be informed about such deletions.

are aware most schools and colleges already have a senior mental health lead in place.

184. Schools and colleges can access a training grant to pay for DfE quality assured senior mental health lead training, helping them to implement a holistic ‘whole school or college’ approach to mental health and wellbeing. Further information on how schools and colleges can apply for a grant and identify the most appropriate training for them – can be found at [Guidance: Senior mental health lead training](#).

185. In addition, Public Health England<sup>45</sup> has produced a range of resources to support secondary schools to promote positive health, wellbeing and resilience among children including its guidance [Promoting children and young people’s emotional health and wellbeing](#). Its resources include social media, forming positive relationships, smoking and alcohol. See [Rise Above: Resources for School from Public Health England #esafety | The Education People](#) for links to all materials and lesson plans. The department has also published, ‘[Every interaction matters](#)’ a pre-recorded webinar which provides staff with a simple framework for promoting wellbeing, resilience, and mental health. This sits alongside our [Wellbeing for education recovery](#) program content, which covers issues such as bereavement, loss, anxiety, stress and trauma.

186. The department has published advice and guidance on [Preventing and Tackling Bullying](#) (which may also be useful for colleges). The [Promoting and supporting mental health and wellbeing in schools and colleges](#) guidance sets out how schools and colleges can help prevent mental health problems by promoting resilience as part of an integrated, whole school/college approach to social and emotional wellbeing, which is tailored to the needs of their pupils and students.

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

187. The most common reason for children becoming looked after<sup>46</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.

188. In particular, they should ensure that appropriate staff have access to 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

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<sup>45</sup> Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency. However, branding remains unchanged.

<sup>46</sup> 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.

after him/her. The designated safeguarding lead<sup>47</sup> should have details of the child's social worker and the name of the Virtual School Head (see para 192) in the authority that looks after the child.

189. 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**

190. Governing bodies of maintained schools and proprietors of academies **must** appoint a designated teacher<sup>48</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>49</sup>. The designated teacher **must** have appropriate training and the relevant qualifications and experience.<sup>50</sup> In other schools and colleges, an appropriately trained teacher should take the lead.

191. Statutory guidance: [Designated teacher for looked-after and previously looked-after children](#) contains further information on the role and responsibilities of the designated teacher.

### **Virtual School Heads**

192. Virtual School Heads<sup>51</sup> manage pupil premium plus for looked after children<sup>52</sup> and

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<sup>47</sup> In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

<sup>48</sup> [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.

<sup>49</sup> 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.

<sup>50</sup> 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.

<sup>51</sup> 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.

<sup>52</sup> Pupil premium plus for previously looked after children is managed by their school.

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>53</sup>. The designated teacher should also work with the Virtual School Head to promote the educational achievement of previously looked after children. In other schools and colleges, an appropriately trained teacher should take the lead.

193. 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>54</sup>.

194. Statutory guidance on [Promoting the education of looked-after and previously looked-after children](#) contains further information on the roles and responsibilities of Virtual School Heads.

195. In addition to their statutory duties, the role of Virtual School Heads was extended in June 2021, to include a non-statutory responsibility for the strategic oversight of the educational attendance, attainment, and progress of children with a social worker.

196. In offering advice and information to workforces that have relationships with children with social workers, Virtual School Heads should identify and engage with key professionals, helping them to understand the role they have in improving outcomes for children. This should include designated safeguarding leads, social workers, headteachers, governors, Special Educational Needs Co-ordinators, mental health leads, other local authority officers, including Designated Social Care Officers for SEND, where they exist.

197. Non-statutory guidance on [promoting the education of children with a social worker](#) contains further information on the roles and responsibilities of Virtual School Heads.

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<sup>53</sup> 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.

<sup>54</sup> 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.

## Care leavers

198. Local authorities have on-going responsibilities to the children who cease to be looked after and become care leavers<sup>55</sup>. That includes keeping in touch with them, preparing an assessment of their needs and appointing a Personal Advisor who develops a pathway plan with the young person. That 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, disabilities or health issues

199. Children with special educational needs or disabilities (SEND) or certain medical or physical health conditions can face additional safeguarding challenges both online and offline. 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 condition without further exploration
- these children being more prone to peer group isolation or bullying (including prejudice-based bullying) than other children
- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- communication barriers and difficulties in managing or reporting these challenges
- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in schools or colleges or the consequences of doing so.

200. Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the SENCO or the named person with oversight for SEND in a college.

201. Schools and colleges should consider extra pastoral support and attention for

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<sup>55</sup> 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 they have reached the age of 14 and ended after they have reached the age of 16.

these children, along with ensuring any appropriate support for communication is in place.

202. Further information can be found in the department's:

- [SEND Code of Practice 0 to 25 years](#), and
- [Supporting Pupils at School with Medical Conditions](#).

And from specialist organisations such as:

- The Special Educational Needs and Disabilities Information and Support Services (SENDIASS) – SENDIASS offers information, advice and support for parents and carers of children and young people with SEND. All local authorities have such a service: [Find your local IAS service \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)
- [Mencap](#) – Represents people with learning disabilities, with specific advice and information for people who work with children and young people.

### **Children who are lesbian, gay, bi, or trans (LGBT)**

203. The fact that a child or a young person may be LGBT is not in itself an inherent risk factor for harm. However, children who are LGBT can be targeted by other children. In some cases, a child who is perceived by other children to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

204. Risks can be compounded where children who are LGBT lack a trusted adult with whom they can be open. It is therefore vital that staff endeavour to reduce the additional barriers faced and provide a safe space for them to speak out or share their concerns with members of staff.

205. LGBT inclusion is part of the statutory [Relationships Education and Relationship and Sex Education and Health Education](#) curriculum and there is a range of support available to help schools counter homophobic, biphobic, and transphobic bullying and abuse.