



Department  
for Education

# **Keeping children safe in education**

**Government response to consultation**

**May 2018**

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## Introduction

On 14 December 2017, the Department for Education published a consultation on proposed changes to the statutory guidance for schools and colleges in England- Keeping children safe in education (“KCSIE”). The consultation provided respondents with an opportunity to comment on proposed revisions made across all parts of the guidance as well as an opportunity to comment on the effectiveness of recently published sexual violence and sexual harassment advice. The consultation also sought to extend our evidence base by asking a number of questions (23 to 33) to help us gather a broad range of intelligence about how schools and colleges put KCSIE into practice. The consultation closed on 22 February 2018.

We have published, alongside this response, a draft of the revised KCSIE guidance ([KCSIE September 2018- FOR INFORMATION](#)). This is **for information** so schools and colleges can plan for the commencement of the guidance on 3 September 2018.

**Until the new revised guidance commences on 3 September 2018, the existing statutory guidance- [Keeping children safe in education September 2016](#) is still in force and is what schools and colleges must continue to have regard.**

We have also published revised Child on Child Sexual Violence and Sexual Harassment advice, which can be found: [here](#)

## Summary of responses received and the government's response to the consultation

This section sets out a summary of the responses that we received. It also sets out where we have decided to make additional changes as a result of consultation responses.

The responses have been important in shaping and strengthening KCSIE and we are grateful to respondents for sharing their views. We have reflected carefully on every response and in some cases made changes to the guidance as a result.

Not every respondent submitted an answer to every question. The amount of responses analysed below therefore varies from question to question. Throughout the response document, percentages are expressed as a measure of those answering each question, not as a measure of the total responses.

Due to rounding percentage figures may not always add up to 100%.

This analysis does not include issues raised, which were outside the scope of the consultation and/or the scope of the guidance.

Of the 311 responses we received:

- 25 were from headteachers or school leaders
- 48 were from Local Authorities
- 148 were from teachers
- 40 from national representative organisations (including Unions)
- 10 were submitted from parents or carers
- 2 from school governors
- 37 responses were from other organisations <sup>1</sup>

We are pleased that over three hundred organisations and individuals responded to the consultation; and grateful for the care, attention and detail that people gave in their responses.

Although the purpose of questions 23 to 33 was to gather intelligence to help inform any future development of departmental policy and/or guidance, as part of our post-consultation consideration, we identified that it was possible to address a number of the points raised immediately. As a result, additional revisions to KCSIE have been made. Whilst not introducing any new requirements, these minor technical changes are intended to further improve the clarity, and strengthen the value, of KCSIE guidance.

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<sup>1</sup> This included charities and respondents who did not classify themselves as being included in the other specified groups.

A list of organisations that responded (who did not ask to remain anonymous) can be found at Annex A.

## Common Themes

### Whole Document

Throughout the guidance we have amended references to The National College for Teaching and Leadership (NCTL) to reflect that from 1 April 2018, its functions in respect of the regulation of the teaching profession, including misconduct hearings, will be handled by the newly established Teaching Regulation Agency (TRA). The TRA is an executive agency of the Department for Education. All other NCTL functions are now handled by the Department for Education.

We have identified a number of requests within the consultation responses for KCSIE to clarify terms already explained within the document. As a response to these requests we have, where possible, added cross references to the relevant paragraphs of the guidance.

### Part three – Safer recruitment

We have made general revisions throughout this part of the guidance to improve its clarity. We have not introduced any new requirements. A significant number of responses to the consultation raised concerns that within this part of the guidance the requirements for the further education sector were not described sufficiently. We particularly welcome these comments and, in response, have made revisions throughout Part three to specifically reflect the safer recruitment responsibilities that are placed on the further education sector.

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

As with Part three, as a result of comments received, we have made a number of further revisions to the content of this part of KCSIE to provide additional clarification of existing requirements and good practice, including making reference to the further education sector.

### Working Together to Safeguard Children statutory guidance

The department consulted on proposed change to the statutory guidance Working Together to Safeguard Children between 25 October 2017 and 31 December 2017.

The version of KCSIE we are publishing **for information** has not been updated to reflect the new safeguarding partner arrangements at this stage. Subject to Parliamentary clearance of the underpinning regulations, a revised version of Working Together to Safeguard Children will be published in early summer. When the revised KCSIE is published and comes into force on 3 September 2018 it will be fully reflective of schools and colleges role in the new safeguarding partner arrangements. It will also include

updated guidance on information sharing practice under the new GDPR regulations and the Data Protection Act.

## Consultation Responses

### Q1 - Is the additional information on early help at paragraph 17 helpful?

We received 270 responses to this question.

Response:	Total	Percent
Yes	237	88%
No	18	7%
Do not know	15	6%

### Consultation Findings

88% of respondents agreed that the additional information is helpful.

Many respondents welcomed the inclusion of the additional information on early help and argued it helped raise its profile. A number of respondents identified further vulnerable groups they felt should be added to the list. Others suggested that it should be clearer that the list is a guide and is not exhaustive.

### Government Response

We welcome the fact so many respondents find the additional information helpful. On this basis, we have included the additional information in the revised guidance. As suggested, we have made clear the list is not exhaustive and any child might benefit from early help. Whilst we note the various additional categories that have been suggested should be included, the list is taken from Working Together to Safeguard Children (WT) statutory guidance. We have liaised with colleagues on appropriate updates to WT but ultimately the list in the guidance is identical to the list in WT. This is to avoid any confusion as to why one category may be in one list and not the other.

### Q2 - Have the changes to paragraphs 22-35 improved the clarity of this section?

We received 269 responses to this question.

Response:	Total	Percent
Yes	212	79%
No	27	10%
Do not know	30	11%

## Consultation findings

79% of respondents agreed the information does improve the clarity of the section.

The general theme from respondents was that the information is helpful and provides useful detail, whilst also giving clearer and stronger guidance. Some respondents felt that there needed to be more emphasis on reporting concerns, no matter how small. A number of respondents highlighted the importance of the Designated Safeguarding Leads (DSL) and were concerned the revised section did not give enough prominence to the leading role the DSL would generally take in the assessment and referral process. Whilst many responses welcomed the inclusion of the link to “report child abuse to your local council” some respondents identified problems with outdated or incorrect contact numbers with regard to their local area.

## Government Response

We welcome the fact so many respondents find the additional information improves the clarity of this section. This is a key section of the guidance and it is important all staff in schools and colleges are aware of the important role they have in identifying concerns and the process they should follow to raise them. As well as the changes we proposed, we have made additional changes based on consultation responses. These changes emphasise the importance of raising a concern and not expecting another colleague to take action and strengthen the wording around the DSL to make clear the lead role they would generally take in the assessment and referral process. As part of preparing for phase 3 of the ‘Together we can tackle child abuse campaign’ local authorities have been asked to update their contact details listed on [GOV.UK](https://www.gov.uk) under ‘report child abuse to your local council’.

### Q3 - Does your school or college already hold more than one emergency contact number?

**We received 200 (and 76 who selected not applicable) responses to this question.**

Response:	Total	Percent
Yes	165	83%
No	20	10%
Do not know	15	8%

#### Q4 - Is suggesting schools and colleges go beyond the legal minimum a sensible approach?

We received 269 responses to this question.

Response:	Total	Percent
Yes	234	87%
No	20	7%
Do not know	15	6%

#### Consultation findings

Of those schools and colleges that responded yes or no to question 3 the vast majority, 89%, already hold more than one emergency contact number.

Most respondents, 87%, agreed that suggesting going beyond the legal minimum (of one number) was sensible and many commented this is best practice. Of those that disagreed a number suggested the legal minimum should simply be raised.

Some respondents did raise concerns that it would be a time consuming task in gathering extra information, and in some cases that it is not always possible to obtain additional contact numbers. A number of responses expressed concerns that if it was to become a requirement rather than a recommendation that they would be unfairly penalised if they were unable to be compliant. We received a number of detailed responses with regard to children missing education and attendance.

#### Government Response

We are pleased so many schools and colleges already go beyond the legal minimum and hold more than one emergency contact number. We are also pleased such a large majority agree that reflecting this approach in the guidance is sensible. On this basis, we will go ahead and include this new requirement. We understand that collecting additional contact numbers can at times be difficult. That is why we are clear that schools and colleges should hold more than one number “where reasonably possible”.

We are very clear in KCSIE that children who go missing from education, particularly on repeat occasions are at risk and governing bodies and proprietors should put in place appropriate safeguarding responses to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future.

We have significantly redrafted Annex A and the additional information we provide all staff regarding children missing education. As previously drafted the annex was focused on the management response to children missing education. The management response



is covered in departmental guidance [children missing education](#), which we cross reference from Part 2 of KCSIE. The revised Annex A focuses on the link between children missing education and welfare and safeguarding concerns that all staff should be aware of and prepared to act on.

We have noted detailed responses regarding what should be included in related advice and guidance issued by the department, such as children missing education guidance. In 2016 the government strengthened requirements regarding children missing education and issued revised guidance. In doing so, the government committed to review the impact of these changes by September 2019 and we will consider the detailed information submitted to this consultation as part of that review.

### **Q5 - What changes can we make to Annex C to help schools and colleges keep their pupils safe online?**

**We received 237 responses to this question.**

#### **Consultation Findings:**

The majority of respondents that suggested making changes to Annex C suggested additional information/links to support schools and colleges. A number of respondents highlighted the importance of educating parents and carers on keeping their children safe online. A common theme suggested online safety is such a big issue it should be integrated throughout the document and an annex is not enough.

#### **Government Response**

We welcome the helpful recommendations in terms of signposting support. We have incorporated many suggestions and included additional links to support in a table format. We believe this format is user friendly.

We will consider in more detail how we can provide schools and colleges further advice, which continues to allow them the flexibility to take into account their local contexts, in this rapidly evolving area. We will also consider how we might embed online safety, where appropriate, in other parts of KCSIE.

To progress the above we intend to establish an online safety working group. We will contact organisations who made a significant contribution on this question to discuss if they would like to be part of the group.

### **Q6 (a) - Do you have any comments on the effectiveness of the sexual violence and sexual harassment advice?**

**We received 224 responses to this question.**

#### **Consultation findings**

The vast majority of respondents supported and welcomed the publication of the advice.

A number of respondents suggested making clearer the advice is for all schools, not just secondary schools and on a similar note requested that the advice be clearer that it covered children of all ages.

Some respondents asked for the advice to be more prescriptive and tell schools and colleges what they “must” do in certain circumstances.

## **Government Response**

We are pleased the overall theme of responses was a positive one. We have made a number of minor changes as a result of consultation responses in order to strengthen the advice. This includes:

- making clear the advice is for all schools, including primary;
- making clear the advice covers children of all ages; and
- emphasising the gendered nature of this type of abuse. Whilst any victims should be supported, it is important that schools and colleges do recognise that girls are disproportionately more likely to be victims than boys.

We understand why some respondents are keen for the advice to go further and be more prescriptive. However, it is very difficult (and indeed would not be good safeguarding practice) to be prescriptive in many of the situations we discuss in the advice; we have sought to be clear as to the principles and issues which should be considered. It is right that schools and colleges (in partnership with local authority children’s social care and the police) have the freedom to make decisions in the best interests of victims and are supported by the advice and principles set out within it.

We are committed to keeping the advice under review. We now want to give it a period of time to bed in and return in 12-18 months’ time to test its effectiveness, especially with front line staff.

We would like to thank the various organisations and individuals for the time and expert advice they have provided in supporting the drafting of the advice.

The revised advice has been published in parallel with this consultation response and can be found: [here](#)

### **Q6(b) - Do you have any comments on the effectiveness of the sexual violence and sexual harassment advice at Annex A of KCSIE, including whether the summary is of an appropriate length?**

**We received 211 responses to this question.**

#### **Consultation findings**

The majority of respondents agreed a summary in Annex A was helpful. However, the consensus was the summary as drafted was not tailored sufficiently to be useful to all

staff. There were also concerns that the longer the summary the more likely staff would miss the key messages contained in it.

## Government Response

We have redrafted the summary in Annex A so that it focuses on information that will be of use to the staff that are reading it. This has meant moving away from management advice and focussing on what sexual violence and harassment look like, the importance of challenging inappropriate culture and the importance of acting on concerns. We are very conscious of a number of respondents who argued length of the summary is irrelevant and it should simply include all the necessary information. We have tried to balance this valid view, with the fact Annex A is designed to be a summary of useful additional information and as such should be relatively concise. The full advice document will continue to be available to those that need it, especially designated safeguarding leads and their deputies.

### Q7 - Which of the following options would you support and why?

- **The department publishes standalone advice and summarises it in Annex A of KCSIE; or**
- **Move the advice to a new ‘Part 5’ of KCSIE which addresses peer on peer abuse and withdraw the standalone advice**

**We received 252 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
The department publishes standalone advice and summarises it in Annex A of KCSIE	88	35%
Move the advice to a new ‘Part 5’ of KCSIE which addresses peer on peer abuse and withdraw the standalone advice	164	65%

## Consultation findings

The majority of respondents who selected an option added caveats to their response. For example, many respondents argued reflecting child on child sexual violence in the main body of KCSIE was essential to give it the prominence it deserves and to mirror Part 4, which provides advice on allegations of adult on child abuse. Many respondents argued against the full advice being incorporated as it would provide a level of detail that KCSIE is not designed to provide. Others pointed to the fact much of the advice is very helpful, but would be unnecessary to be in statutory guidance as it is simply providing additional information and signposting support.

Others argued that a summary would suffice but they argued using Annex A was inappropriate as the most useful summary would be around the management side of reducing the risk of sexual violence occurring and managing reports of abuse when they are made. It was argued, that Annex A is not the best place for such a summary.

### Government Response

We have considered responses to this question very carefully. On balance, we think the most effective use of KCSIE and the most effective way to support schools and colleges is to insert a new Part 5. This Part is focused on responding to reports of sexual violence and sexual harassment. This mirrors the principle behind Part 4 of KCSIE, which is focused on managing allegations of adult on child abuse. It sits alongside an updated summary in Annex A, for those staff that work directly with children, which we discuss above in our response to question 6b.

We do not think it would be appropriate to incorporate the full advice into statutory guidance. Much of the early part of the advice sets the context to be aware of regarding this type of abuse and provides information and links to guidance on the legal framework schools and colleges operate within. This does not need to be in statutory guidance.

As discussed above (in our response to Question 6a), we will maintain the more detailed standalone advice document and have published a revised version [here](#).

### Q8- Is making the link between children with SEND and considerations regarding restraint helpful?

**We received 261 responses to this question.**

Response:	Total	Percent
Yes	187	72%
No	31	12%
Do not know	43	16%

### Consultation findings

72% of respondents agreed making the link between restraint and SEND was helpful. However, many of these respondents caveated this with the fact that good practice around restraint and isolation applies to all pupils and students.

### Government Response

We are pleased the majority of respondents found the new information to be helpful. We have reflected on consultation responses and as a result have broadened this new section to consider reasonable force more generally.

**Q9 - Do you have any comments on any other changes made to Part 1 and Part 2? Please be clear as to which section and paragraph you are referring.**

**We received 151 responses to this question.**

**Consultation findings**

The majority of responses to this question suggested further changes were not required and generally speaking these two parts achieved what they were setting out to achieve.

Of those commenting on changes, the majority focused on additional changes, rather than comments on other changes we were proposing to make. A number of respondents suggested KCSIE would be stronger with the increased use of “must”. Other common themes included, a request to set out up front what children means and a suggestion that clarification is required on ‘All staff’ to ensure understanding that this does not just mean teachers in the classroom.

**Government Response**

We understand why respondents are keen that we use “must” to strengthen certain parts of KCSIE. We explain in the summary section the background to the use of “must and “should” and in particular the legal underpinning associated with the word “must”. Based on the consultation responses we have updated this explanation to try to be clearer why we use “must” and “should” and the implications in the guidance.

We have mirrored the definition of a child as set out in Part 1 in the Summary section so this is clear up front. We do not think we can be any clearer than “all staff”. All, means all, and goes beyond teachers and teaching assistants.

**Q10 - Do the changes now make clear what information must be recorded on the Single Central Record (SCR)?**

**We received 266 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	207	78%
No	38	14%
Do not know	21	8%

**Consultation findings**

Most respondents agreed that the revised text is clearer. However, we were asked to reflect the further education sector requirements to record information on the SCR and, for recording purposes, clarify the term supply staff. Respondents also requested further clarification to explain the process for carrying out Secretary of State section 128

direction (management barring) checks and requested the inclusion of additional hyperlinks. 9% of respondents suggested that a standard template covering the minimum requirements for recording information on the single central record would be useful.

## Government Response

We are pleased that the overall response to the changes to the section dealing with recording information on the SCR was positive and that this information is now considered to be clear. We did, however note, that supplementary comments suggested there were mixed views about the decision to include in the draft version of KCSIE the option to record non-statutory information on the SCR. While some felt it was inappropriate to include anything but mandatory information, consultation responses including from schools welcomed this addition. While KCSIE continues to make clear the mandatory information that must always be recorded on the SCR, given the positive reaction to the change, we have decided to retain this information. Any decision to record non-mandatory information would be decided locally taking into account the requirements set out in the Data Protection Act.

In response to the requests received, we have made a number of minor changes to this section. We have added a web-link to Government guidance on identity checks and to those regulations that set out the legislative requirements for recording information on the SCR.

We have considered the requests for KCSIE to include a template that sets out the minimum requirements for information that must be recorded on the SCR. We anticipate that the revised guidance now provided by KCSIE will make it easier for schools and colleges to identify the information that the SCR must include. Additionally, comments received indicate that some schools and colleges would wish to include more comprehensive non-mandatory information on the SCR. As a result, we do not plan to provide a template as part of the 2018 version of KCSIE.

### **Q11 - If, in the future, the requirements for what schools and colleges must record on the SCR were reviewed, is there any other information that you think should be recorded?**

**We received 191 responses to this question.**

## Consultation findings

Respondents suggested any future revisions to the minimum information that must be recorded on the SCR should include:

- Details of mandatory training e.g. safeguarding/PREVENT (22% of respondents).
- Confirmation of references obtained (20% of respondents).
- The name and role of the person responsible for completing the relevant checks.
- Where relevant, the consideration and outcome of any Childcare Disqualification by Association related self-declaration.

- A requirement to record appropriate checks for governors and volunteers.

## Government Response

We asked if, in the future, the requirements for recording information on the SCR were reviewed, whether any additional information could be usefully recorded. This question was aimed at gathering intelligence that could be used to help inform future policy thinking. Two thirds of respondents provided suggestions for further information they would find useful to record on the SCR. A further third of those responding felt the current requirements are sufficient and that no further information was necessary.

Legislation establishes the information that must be recorded on the SCR. Any changes to the requirements for the SCR could, therefore, be made only by following Parliamentary processes. We value all comments received, which will help inform any future review of the department’s policy for SCR requirements.

### Q12 - Is the revised Annex E clear about a school or college’s responsibilities when arranging exchange visits? If not, which parts are unclear?

**We received 264 responses to this question.**

Response:	Total	Percent
Yes	165	62%
No	52	20%
Do not know	47	18%

## Consultation findings

Respondents generally welcomed the revisions to this section. More than half of those responding considered Annex E now makes clear a school or college’s responsibilities when arranging exchange visits. However, there remained some concern that the Annex appeared to give contradictory advice about obtaining DBS checks and any associated legal obligation. Respondents considered the use of ‘may’ and ‘should’ within the Annex to be unhelpful as this allows schools and colleges an element of discretion. They considered it would be preferable for the language within Annex E to be more prescriptive i.e. by increasing the use of ‘must’.

One key stakeholder/professional body in this field questioned the recommendation in Annex E that schools and colleges should only consider the suitability of the adults who would be responsible for the visiting child. It indicated support for DBS checks to be obtained for all adults in the household where the child will be staying.

Respondents asked for KCSIE to be amended to include information to highlight that exchange visits often take place in the United Kingdom and so do not always involve

overseas visits. Also that the benefits of visits can extend to areas of the curriculum other than modern foreign languages.

The advice referring to the ability to obtain a DBS enhanced certificate for children in the homestay household aged 16+ i.e. that schools and colleges 'may' choose to obtain a check was said to be unhelpful because schools interpreted this to mean they 'should/must' do this. We have revised the text to clarify that schools are 'free' to decide whether they consider it necessary to obtain a DBS certificate in these circumstances.

## **Government Response**

We have made a number of post-consultation revisions to Annex E in response to comments received. We have added a reminder to schools and colleges of their duty to safeguard and promote children's welfare and that this extends to considering the safety of, and how best to minimise risk of harm to, children during any exchange visit the school or college arranges. To further strengthen this message, a reference to paragraph 4 of KCSIE has been added, which provides more detail about the duty.

In the case of homestay arrangements the draft guidance stated that 'whilst there is no legal requirement for schools or colleges to check the barred list status of an adult who will provide homestay (in the circumstances described), schools and colleges should obtain a DBS enhanced certificate with barred list information.' In response to concerns that this statement was contradictory we have reworded the sentence to clarify the position. It was not possible, as many respondents suggested, for the guidance to place a duty on schools to check the barred list status in these circumstances. As explained in the response to Question 9, there is a legal underpinning associated with the word 'must' so we only use this in statutory guidance if a requirement is set out in legislation. To provide clarification, a footnote has been added to signpost guidance users to the interpretation of the terms 'must' and 'should' as used throughout KCSIE.

Further minor additions make clear that when making a judgement whether a person is suitable to host a child in a homestay arrangement, schools should not rely only on a DBS check, but should also consider what other relevant information may be available to them.

Detail within the Annex has been strengthened to clarify that schools and colleges should liaise with partner schools abroad, to establish a shared understanding of, and agreement to the arrangements in place for the visit. They should use their professional judgement to satisfy themselves that the arrangements are appropriate and sufficient to safeguard effectively every child who will take part in the exchange. Parents should be aware of agreed arrangements.

The Annex now recognises that: exchange visits may take place within the United Kingdom; in addition to the language curriculum exchange visits can benefit learning across a range of subjects; and the need to ensure during visits that should an emergency occur or a situation arise which makes children feel uncomfortable, they should understand who to contact.



**Q13 - Does this section make clear the differences between prohibitions, directions, sanctions and restrictions and when they would prevent an individual from being employed in particular roles?**

**We received 259 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	204	79%
No	33	13%
Do not know	22	8%

**Consultation findings**

The majority of respondents said this section was clear but suggested the guidance should better reflect:

- How to carry out a Secretary of State section 128 direction (management barring) check when a barred list check is not appropriate.
- How to check qualified teacher status.
- The requirements for obtaining Secretary of State section 128 direction (management barring) checks for governors in maintained schools.

In respect of teacher prohibition orders, a number of respondents pointed out that the guidance would benefit from the inclusion of the definition of ‘teaching work’.

One organisation felt that the language used in paragraph 119 under the heading Secretary of State teacher prohibition orders was confusing.

**Government Response**

We are pleased that so many respondents found this section clear and that only minor changes were suggested. A small number of respondents were unaware that a s128 direction also disqualified a person from taking up a position as governor of a maintained school, believing this to be a new requirement. This requirement was introduced by The School Governance (Constitution) (England) Regulations 2012 as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and will be reflected in the next update of the Governance Handbook.

Paragraph 118 has been revised to include the definition of teaching work for the purpose of teacher prohibition orders along with further information to clarify that a person who is subject to a teacher prohibition order must not be appointed to a role that involves teaching work. Paragraph 120 is revised to explain more about how checks for Secretary of State section 128 directions (management barring) can be carried out.

**Q14 - Does this section make clear how checks for prohibitions, directions, sanctions and restrictions can be made? If not, which part is not clear and why?**

**We received 257 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	218	85%
No	21	8%
Do not know	18	7%

**Consultation findings**

The vast majority of respondents to this question found this section clear. Of the 21 respondents that said the section was not clear, most requested clarification on the process for carrying out checks for prohibitions, directions, sanctions and restrictions. Specifically in respect of Secretary of State section 128 directions (management barring), they asked how such a direction could be checked if a DBS barred list check was not appropriate e.g. for a governor who was not engaging in regulated activity. A small number of respondents also asked that the definition of ‘management position’ when referring to Secretary of State section 128 direction (management barring) checks, should be included.

**Government Response:**

It was evident that respondents had not easily identified the section of the guidance that explained how to carry out checks referred to in this question. To address this, the section headed up as ‘Teacher Services checking system’ has been amended and given a more meaningful title. It now reads ‘How to check for prohibitions, directions, sanctions and restrictions - Teacher Services checking system’. This section makes clear that schools should use the Teacher Services system to carry out these checks.

A number of respondents requested a definition of management position in independent schools in the context of Secretary of State section 128 direction (management barring) checks. A paragraph 121 has been inserted to provide a definition.

### Q15 - When recruiting staff who have worked in a school in England during the three months prior to their appointment, does the revision make clear the circumstances in which a check must be undertaken?

We received 256 responses to this question.

Response:	Total	Percent
Yes	186	73%
No	46	18%
Do not know	24	9%

#### Consultation findings

Almost three quarters of those who responded to this question felt that the information within this section was clear. Where respondents indicated the section wasn't clear they were asked to explain why. The presentation of the information, in particular the length of the sentences within the section, were cited as being the predominant reason for lack of clarity. Many respondents in both the 'clear' and 'unclear' camps took the opportunity to comment on the current policy, i.e. that a DBS pre-appointment check is not required when the individual has worked in a school in England during the three months prior to their appointment. General comments about the policy included that:

- There was a risk that previous employers may not have carried out the relevant checks. As a result, schools are often reluctant to assume that the previous employer had done so, or correctly assessed any disclosures, so indicate they are inclined to always carry out new checks.
- Whether DBS checks for volunteers and contractors were required if they satisfied the 'three month criteria'.
- The policy appears at odds with ensuring up to date information is considered at the appointment stage and questioned the rationale for the policy.

Respondents also made the general point that relying on a previous employer's general recruitment checks, particularly where overseas checks were involved, had potential to create additional risk. Most suggested overseas checks should be repeated regardless of whether the person has worked in a school in England during the three months prior to their appointment.

#### Government Response

In asking this question, we were keen to obtain information about current practices in order to inform future policy thinking. Respondents were unclear about the purpose of the policy and questioned its rationale. Its initial policy intention was to allow some flexibility in having to recheck members of school staff who have up to three months break between appointments, particularly where this would span the summer break. Some

responses disagreed with the policy's principles with many of the responses suggesting that as employers are keen to have all available up to date information and so, where an applicant is not subscribed to the DBS Update Service, they preferred to always request a DBS certificate in addition to the mandatory barred list check. Any change to the regulatory provisions that establish the current policy requirements would require changes to be made by following parliamentary process. We have no plans at this stage to amend the existing regulatory requirements. We are grateful for the valuable comments provided and intend to retain these to be used in any future policy development.

**Q16 - Do you have any evidence to suggest that information about criminal activity, that would have been relevant to an individual's suitability to be employed, would not be obtained as a result of only undertaking a barred list check?**

**We received 262 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes:	45	17%
No:	167	64%
Not applicable	50	19%

**Consultation findings**

Almost two thirds of respondents said they did not have any evidence to suggest that information about criminal activity, which would have been relevant to an individual's suitability to be employed, would not be obtained as a result of only undertaking a barred list check. A further 19% provided a 'not applicable' reply, but gave little detail around the reason for that response. Whilst 17% of respondents advised they had evidence that by undertaking only a barred list check, criminal activity that would be relevant to an individual's suitability would not have been obtained, less than 2% of those respondents provided supporting examples of this occurring. Other respondents answered hypothetically, based on their general experience of recruiting staff. Those responses considered it was possible for information to be contained on a DBS certificate that would potentially render the individual unsuitable to work in schools, but which would not necessarily have resulted in a DBS barring decision.

Less than 2% of respondents provided examples that a barred list check did not disclose all information relevant to an individual's suitability. Of those, less than 1% would have identified additional convictions had an enhanced DBS certificate also been obtained.

## Government Response

It was reassuring that the vast majority of respondents could not provide evidence that, as a result of only undertaking a barred list check, criminal activity that would have been relevant to an individual's suitability to be employed was not obtained. We acknowledge that a very small number provided examples that they had subsequently received this type of information. However, in these cases the source of the information meant that it was unlikely the information would have been disclosed as part of a DBS check, and highlights the importance of carrying out all pre-appointment checks thoroughly.

### Q17 - If your answer to question 16 is yes:

- **what action would you take if new information emerged; and**
- **if that new information had been available to you sooner, would it have altered your initial decision to appoint that individual?**

**We received 58 responses to this question.**

### Consultation findings

We received a smaller number of responses to this question, which allowed for hypothetical responses i.e. how respondents would deal with information that emerged about an individual which would potentially render them unsuitable to be appointed. Comments received were not restricted only to new information relating to criminal offences. Respondents provided suggestions that a broader range of new intelligence could be extremely relevant to determining the individual's suitability. It is apparent from responses to this question that they likely include some of those who provided examples at Question 16, based on their knowledge of checking employee suitability. Most of those responding explained where new information emerged, as part of carrying out a risk assessment they would:

- Discuss the information with the applicant.
- Consult the designated officer at the local authority to discuss a way forward. Almost 16% of respondents said they would discuss with the designated officer.
- Use the schools staff code of conduct policy to help assess suitability.

Respondents suggested the outcomes of these actions could be that the discussions would determine the individual would be suitable for the role on offer, that the job offer would be withdrawn, or the person would be removed from working with children.

## Government Response

We welcome the openness of the responses to this question and note that employers appear to appreciate that not all offences will automatically mean a person will be unsuitable to work with children, or in certain other roles. The responses we received make clear the importance for employers to seek advice and fully consider all available information that emerges either before the applicant begins work, or whilst they are in

post. It was encouraging to see that the majority of respondents had clear policies in place to deal with such circumstances should they occur.

**Q18 - When recruiting staff who have worked in a school in England during the three months prior to their appointment, is your school or college's normal practice to request an enhanced DBS certificate in all cases? If yes, we are keen to understand why your school considers this necessary.**

**We received 265 responses to this question.**

Response:	Total	Percent
Yes	176	66%
No	18	7%
Do not know	17	6%
Not applicable	54	20%

### Consultation findings

Two thirds of those who responded to this question indicated it was normal practice for an enhanced DBS certificate to be obtained for all new appointments to work in schools with children. The reasons given for obtaining a certificate where the person to be appointed had worked in a school in England during the three months prior to their appointment, were that:

- It is part of the school/LA policy (22%).
- To mitigate the risk that offences might have occurred since the last DBS certificate was issued (18%).
- Candidates often have DBS certificates that are more than 3 years old.
- Schools cannot be certain that the previous employer completed necessary checks.
- The guidance states that a DBS certificate 'may' be obtained in these circumstances, resulting in some schools interpreting this as implying they should.

### Government Response

Whilst in the circumstances referred to in this question, there is no requirement to carry out an enhanced DBS check, it is clear from the responses that the majority of respondents consider having up to date information is vital and so choose to carry out fresh checks. We have no plans to amend legislation on this matter. Schools remain free to decide at local level to go beyond the statutory requirements based on school/local authority policies.

**Q19 - Is the flowchart clear about when you must/should carry out a DBS check? If not, why not?**

**We received 263 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	202	77%
No	43	16%
Do not know	18	7%

**Consultation findings**

Over half of the respondents agreed the flowchart provided clearer information than the previous version. Those who provided further comment requested that the content of the flowchart be extended to include additional roles e.g. governors, self-employed, coaching staff, visitors such as educational psychologists. A number of respondents also suggested that the flowchart could usefully reflect more detail on the role of contractors, particularly for those who are engaged to work under occasional or temporary contracts.

**Government Response**

We are pleased that over half of the respondents felt the flowchart provided clearer information. We also acknowledge that respondents would like the flowchart to be more comprehensive and include additional categories of staff, visitors and volunteers and governors and we welcome those comments. We accept there may be some merit in revisiting the flowchart and the KCSIE paragraphs relating to contractors. Potential changes to these are being considered for future drafts of KCSIE.

**Q20 - Does KCSIE provide sufficient information to assist employers to ensure references and CVs are accurate and complete, including where they are received electronically? If not, what do you think is missing?**

**We received 261 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	175	67%
No	64	25%
Do not know	22	8%

## Consultation findings

More than two thirds of respondents felt that KCSIE provided sufficient information to assist employers ensure references are accurate and complete, including where they are received electronically. Those respondents who provided comments, suggested:

- It would be helpful for KCSIE to provide further information on receiving references electronically.
- It is good practice for references to be followed up by telephone conversations, and additionally by written confirmation.
- That seeking references on all short-listed candidates was not proportionate.
- It was important for the guidance to reflect that not all applicants were employed previously in educational settings, which may make obtaining references more difficult.

Respondents reiterated the importance of identifying and investigating any gaps in employment history. There is also concern that employers are becoming more cautious about the amount of detail that they are prepared to include within a reference as result of fear of litigation.

## Government Response

A number of respondents have advised that they do not accept CVs, so this question was not applicable. We consider the question would better reflect usual practice had it referred to an applicant's 'employment history'.

Despite this, 32% of respondents provided comments on this subject. Whilst the message in those responses is that it is becoming increasingly difficult to obtain meaningful references, the consensus within the responses and the department's view is they form an important function when carrying out pre-appointment checks.

A small number of organisations that responded to this question, some of which represented groups of schools, pressed for the requirement to obtain references to be included as part of the mandatory pre-appointment checks, required by legislation (and listed at paragraph 128) – those checks schools 'must' carry out. Whilst we strongly recommend that references are obtained, obtaining references is not a check required by legislation, therefore we cannot include it on the list. We agree with respondents that obtaining references is extremely important and employers should obtain as much information about applicants as possible to help them make informed decisions on their suitability.

In response to the suggestions provided by respondents we have removed the text which advises that references should be sought on all short-listed candidates. We have also reminded employers that where electronic references are received it is important to ensure they originate from a legitimate source.



There was also concern that paragraph 127 of the consultation version referred to “any information about past disciplinary action or allegations should be considered carefully when assessing the applicant’s suitability” and this was not consistent with paragraph 201, which states “in cases where an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references.” The text at paragraph 137 (in the revised version) has been revised and now reads ‘any allegations that are disclosed’ this reflects that information may be obtained/received from a number of other sources such as the police, social workers and the local authority.

We feel the guidance remains clear in advising that employers should contact referees for further clarification where appropriate, as this will not be necessary in all cases.

**Q21 - Have you ever established that an applicant has provided inaccurate information as part of a reference or CV? If yes, please give details.**

**We received 265 responses to this question.**

Response:	Total	Percent
Yes	82	31%
No	119	45%
Not applicable	64	24%

**Consultation findings**

Most respondents to this question said they had not established that an applicant had provided inaccurate information as part of a reference or that the question was not applicable to them. However, 31% of respondents indicated as part of pre-appointment application scrutiny they had found inaccuracies in the information obtained. Examples of omissions or falsification of information, included:

- A gap in work history, the applicant did not identify working abroad.
- Large gap in employment history but had actually been employed.
- Lying about reasons for leaving previous employment.
- Falsified qualifications.
- Inaccurate information on written reference found when followed by verbal check.
- Incorrect dates of previous employments to cover gaps.
- Fake references written by candidate or friend.

**Government Response**

The significant number of respondents that identified inaccuracies on references acts as a strong reminder about the importance of checking thoroughly all information that employers receive. Where inconsistencies are identified further clarification from referees should always be sought. It is vital for selection panels to ask appropriate questions at

interview, where necessary probing any perceived anomalies and, based on information obtained from all pre-appointment checks, to take a holistic approach to determining an applicant's suitability. It is worth noting that if the applicant is a teacher and has falsified documents the school should consider whether to refer the matter to the Teaching Regulation Agency (formerly NCTL).

**Questions 22: Do you consider that it is possible to provide a reference which includes information about an unsubstantiated allegation that is fair, factual, accurate and free of conjecture? If so, what information do you consider could be included and in what circumstances?**

**We received 263 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	86	33%
No	96	37%
Do not know	81	31%

### **Consultation findings**

The responses to this question were fairly evenly split between positive, negative, and no view answers. A slightly lower number of respondents felt it is possible to provide a reference which includes information about an unsubstantiated allegation that is fair, factual, accurate and free of conjecture. Those respondents who considered it was possible, described a number of circumstances in which the information could be provided, including:

- Where the facts established during the investigation had been agreed by both parties.
- Provided the allegation had been investigated, evidence gathered as part of the process and the outcome had been established this would be regarded as fair, factual, accurate and free of conjecture.
- A reference could include that an unsubstantiated allegation had been made without providing additional detail, but with an invitation of the employer to contact the referee or the head teacher if the employer has further queries.
- That behaviour and attitudes in work could be referred to via other questions, avoiding the need to directly refer to unsubstantiated allegations.

### **Government response**

Responses suggest that some employers feel uncertain about what information to include on a reference. KCSIE sets out good practice in providing information with the final decision on content being for schools and colleges to determine. KCSIE makes clear that where an allegation was proven to be false, unsubstantiated or malicious, details

should not be included in employer references. A number of responses challenge that position on the grounds that it is difficult to build up a pattern of behaviour if information is not shared. This is of particular concern in the case of unsubstantiated allegations i.e. where an investigation was unable to obtain sufficient evidence to either prove or disprove the allegation. As a result, the outcome of such an investigation cannot prove either innocence or guilt. Employers were equally concerned about sharing information that could have an inappropriate negative impact on an individual's career, when an investigation has exonerated the individual concerned from any guilt.

Respondents provided suggestions for ways that fair and accurate information can be provided on references, see examples above. All comments received will be considered as part of any future policy thinking on this section of the guidance.

### **Question 23: How easy is it for you to identify information that would enable you to identify relevant events that may have taken place abroad?**

**We received 233 responses on to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Very easy	8	3%
Easy	41	18%
Not easy	184	79%

### **Consultation findings**

79% of respondents to this question indicated that it was not easy to obtain information that would enable them to identify relevant events that may have taken place abroad. Respondents considered the Home Office website on overseas checks to be a helpful resource. However, the majority of respondents provided detail about the difficulties faced. The responses had a number of key themes, including:

- Difficulty created because the system for obtaining information varies from country to country or have no system at all.
- Much depends on the system that is established in the individual country as to how easy it is to obtain information.
- The length of time schools often have to wait for a response is a problem.
- Language barriers and arranging for received information to be translated can sometimes be a problem.
- It additional difficulty is created when the person has been travelling.
- It is more challenging when contacting non-EU countries.

## Question 24: When appointing individuals who have lived or worked abroad, what “further checks” do you think it would be appropriate to make?

We received 180 responses asking what further checks you think would be appropriate to make.

### Consultation findings

There were approximately 20% fewer responses to this question than to question 23. Respondents considered that “further checks” that would be appropriate when checking applicants who have lived/worked overseas included:

- Making enquiries to previous employers, potentially telephoning.
- Asking the applicant for the reason for leaving or coming to the UK
- Carrying out an internet search on the person.
- Obtaining a statement from the relevant Embassy(s).
- Using the Home Office visa process.

## Question 25: Has the requirement to “carry out further checks as considered appropriate” created any barriers to being able to employ individuals who have lived or worked abroad? If so, what barriers have you experienced and what was the resulting impact?

We received 257 responses to this question

Response:	Total	Percent
Yes	58	23%
No	78	30%
Do not know	60	23%
Not applicable	61	24%

### Consultation findings

A marginally higher number of respondents considered the requirement in regulations for employers of school staff to carry out ‘further checks as considered appropriate’ for individuals who have lived or worked abroad did not create any barriers to being able to employ individuals who have lived/worked abroad, than those who advised they had experienced barriers. The issues described by those respondents who informed us that they had experienced barriers included:

- As countries outside of the UK have different, or do not have, systems to check criminal backgrounds identifying and understanding what is available creates difficulties.

- It takes additional time to obtain information from abroad.
- Arranging for information to be translated is difficult and sometimes costly.
- It is more difficult to obtain information when the person has travelled to a number of different countries.

### **Government Response – questions 23, 24 and 25**

In explaining the problems when obtaining checks from outside of the UK, respondents appeared to focus their comments on obtaining criminal checks and good conduct information, as opposed to information that could be obtained from other sources, e.g. from previous employers or acceptable personal referees.

There was a significantly lower response to question 24 than question 23. While this could indicate there was some ambiguity in what was asked, it could suggest some respondents to question 24 would be keen to make additional checks, but are uncertain what options are available to them. This position is perhaps supported by responses that suggested KCSIE should provide more detail on the available options for further checks.

For those who provided responses for what 'further checks abroad' should be carried out, the majority of suggestions mirror the additional 'good practice' for UK appointments e.g. obtaining references, followed up with telephone calls if considered necessary.

Greater consistency in the way information can be obtained and is provided across countries worldwide being the ideal position was a strong theme throughout the responses to these questions. A more streamlined and faster option for receiving information in the English language would also prove extremely helpful.

Comments make clear that, where relevant, schools and colleges are committed to obtaining all available information from countries abroad to enable this intelligence to be factored into their judgement on an applicant's suitability. We welcome the tenacity of employers when sourcing what we appreciate can sometimes be more difficult information to obtain. We were also reassured by, and appreciate, the importance that schools and colleges place on obtaining such information. Whilst we are not able to provide any immediate solutions to these particular issues, we will consider all responses received to inform any future policy thinking in this area.

**Question 26: Considering the full KCSIE document which of the following would you select?**

- The proposed length of the new KCSIE is about right
- KCSIE should be shorter
- KCSIE should be longer

**We received 259 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
About right	188	73%
Shorter	56	22%
Longer	15	6%

**Consultation findings**

The majority of respondents consider the length of the guidance to be about right. A number of respondents explained that as safeguarding is of paramount importance, there is “an unmistakable need for detailed information to be included”. Concerns were raised by some respondents that “if the guidance is too long people may not read and digest the information and the most important messages/guidance could be missed”. Others argued that if the guidance is shorter, relevant information would be missed. Some respondents suggested that as the document needs to be accessible to all staff it should be as clear and concise as possible. Other respondents suggested that the guidance should simply be as long as it needs to be to reflect all relevant requirements and guidance to meet those requirements. There were also many suggestions on how KCSIE could be improved, with ideas such as e-learning modules, creating an ‘app’, summaries of sections, shortened versions for support staff, more flow charts and cross-referencing.

**Government Response**

We understand that there will always be mixed views on the length of the guidance but it is pleasing that a significant majority think it is about right. Having carefully looked at and considered all the responses, we believe that the length of the new guidance, which with the introduction of the new Part 5 is slightly longer than the version we consulted on, is justified and optimal to support schools and colleges to safeguard children. We will continue to consider how we can improve KCSIE and its accessibility in the future, keeping in mind the very helpful suggestions that were made via the consultation.

**Question 27: Considering Part one of KCSIE, which of the following would you select?**

- **The proposed length of the new Part one is about right**
- **Part one should be shorter**
- **Part one should be longer**

**We received 252 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Is about right	203	81%
Should be shorter	44	17%
Should be longer	5	2%

**Consultation findings**

The vast majority of respondents agreed the proposed length of Part one is about right. Respondents explained it achieves a good balance between providing enough information so staff are clear on the responsibilities and where to go to if they have a concern, whilst not overwhelming them.

Of those who think it should be shorter, the prime concern was not diluting the most basic safeguarding messages for all staff. Some suggested a solution to this would be a summary of Part one.

**Government Response**

We are pleased that a large majority of respondents agree the new Part one is appropriate in length. We are very conscious that for many schools and colleges Part one provides a key part of safeguarding training/awareness for staff. We will continue to publish Part one as a standalone document to support this. One change we have made to Part one, to reduce its length and improve readability, is to move the list of additional support information. This is not relevant for “all staff”. We have moved this list into Annex A, where those staff who work directly with children and the designated safeguarding lead (and deputies) in particular will still have access to this information as required. We have also reformatted the information into a table format that we think is more user friendly.

We carefully considered the suggestion to provide a summary of Part one. However, on balance we think as drafted and with only 11 pages it is reasonable to expect all staff to be able to read and understand Part one. We are also concerned a summary, by definition, may miss some of the key messages from Part one.

**Question 28: Considering Annex A in KCSIE, which of the following would you select?**

- The proposed new Annex A is about right
- Annex A creates additional reading that is not necessarily helpful. Information provided at paragraph 50 is sufficient
- Annex A should provide a school and college context across all the safeguarding issues listed at paragraph 50

**We received 243 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
About right	146	60%
Creates extra reading	45	19%
Context across all safeguarding issues	52	21%

**Consultation findings**

The majority of respondents agree Annex A is about right as drafted. A number of respondents noted that whilst the length was about right the information within Annex A could be more focused on its intended audience, which includes all staff that work directly with children.

A number of respondents are concerned that if Annex A continues to grow staff will be put off from reading it and/or miss key messages within it.

**Government Response**

We are pleased the majority of respondents agree Annex A is about right, length wise, as drafted. We have noted the very helpful feedback on what we choose to include in Annex A. Based on this feedback:

- We have significantly redrafted the children missing education section so the focus is the potential link between a child missing education and potential safeguarding concerns. We have removed pages of management information which duplicates departmental guidance that we signpost from Part 2 of KCSIE anyway.
- We have redrafted the radicalisation section to ensure it is focused on what individual staff can do, rather than the more general role of the school and college, which is covered in other guidance that we sign post.
- We have included a summary of child on child sexual violence and sexual harassment for all staff and based on consultation feedback have drafted this with a focus on what this type of abuse looks like and the importance of staff doing something if they have a concern.



- We have included new sections, as per the consultation that provide additional information on “county lines” and “domestic abuse” and have added an additional section on “homelessness”. We are very conscious that this annex should be as concise as possible, but at the same time, we think it is right that we raise these issues with all staff that work directly with children so they have a basic awareness of these forms of abuse and safeguarding issues.

### **Question 29: Which, if any, of the safer recruitment requirements in KCSIE do you find most confusing or difficult to understand and why?**

**We received 163 responses to this question.**

#### **Consultation findings**

We were pleased to that so many respondents engaged with this question, which was aimed at helping us to identify where further improvements can be made to KCSIE in future to better support the users of the guidance.

Requests were made for additional clarity within KCSIE in respect of checks that are required, or that are strongly recommended, for individuals who are not directly employed by a school or college, but who work for the school or college e.g. contractors, visiting coaches, volunteers. The subject of volunteers was also raised in respect of requests for improved rules on supervision.

Although there was a high percentage of positive responses to Question 19, which asked about clarity of the KCSIE’s flowchart that is designed to help determine when a DBS check must/should be carried out, responses here indicated the chart was confusing. There was a number of recommendations that the requirements placed on the Further Education sector across all sections of KCSIE should be better explained.

#### **Government Response**

We have revised KCSIE in response to comments that, by suggesting circumstances in which an individual governor or head teacher of a maintained school may be responsible for carrying out recruitment interviews, the proposed wording at paragraph 88 (now paragraph 85) was contrary to general recruitment interviewing good practice. The revision reflects the provisions of the School Staffing (England) Regulations 2009 as amended (the 2009 Regulations), and the full details of the requirements around staff recruitment selection panels in maintained schools can be found within the 2009 Regulations. Although, for certain staff appointments, the 2009 Regulations do not prevent the governing body of a maintained school from delegating responsibility to an individual governor or head teacher, the department’s ‘Staffing and employment advice for schools’ and ‘Recruiting a Headteacher’ guide points to ACAS guidance, which strongly advocates the use of at least two people when sifting applications and interviewing.”

Many respondents to this question chose to reiterate, or make similar, comments to

those made against earlier questions in the consultation document. This was specifically noticeable in relation to the requirements for recording information on the SCR at Questions 10-11, in relation to the clarity of the revised wording within KCSIE about prohibitions, sanctions and restrictions, particularly Secretary of State section 128 direction (management barring), at Questions 13-14, the department's policy requirements around DBS checks examined at Questions 15-17, and concerns about references Questions 20-21.

Where it was practicable in the time available during post consultation consideration, we were able to make minor revisions to the wording of KCSIE to provide some of the clarification requested. All other responses, including those that took the opportunity of the open nature of this question to challenge some of the existing regulatory provisions, will help inform any future review of the department's legislation.

**Question 30: Is there anything that you are currently required to do when completing safer recruitment activities that you find difficult? If so, what makes it difficult?**

**We received 243 responses to this question.**

**Consultation findings**

As with Question 29, many of the responses to this question reflected comments made in respect of earlier questions in the consultation document, for example difficulties obtaining information from overseas (Q23-25) and concerns about information contained within references (Q20). A small number of respondents (4) felt it was time consuming to maintain the single central record and carry out all of the relevant checks. The ease of being able to access "requirements for professionals from other agencies such as social care staff and health workers" was raised by one respondent, although no further detail was provided to indicate the exact circumstances in which this created a problem. A single response also requested guidance on how best to assess the mental capacity of a worker to carry out their role.

**Government Response**

It appeared from some responses that locally determined practices may be considered to be creating difficulties e.g. a suggestion that "seeking views from parents on volunteers should not be required"; this practice is not a requirement when appointing general volunteers in schools or colleges. While KCSIE establishes the minimum requirements for safer recruitment activities, schools, colleges, local authorities and academy trusts are free to set their own local policies and procedures, which may require additional activities to be undertaken. As the requirements of such locally agreed procedures may have evolved in light of experiences encountered, where schools and colleges are concerned about the locally determined processes they are required to follow, they should discuss their concerns with the person/organisation responsible for establishing those processes.

**Question 31: If you could change one thing about the safer recruitment requirements set out in KCSIE, which in your view would further safeguard against the possible risks to children, what would that be?**

**We received 154 responses to this question.**

**Consultation findings**

Again, we received a positive response to this question, which sought views on what changes could be made to the guidance on safer recruitment within KCSIE to further safeguard against the possible risks to children. A number of respondents who represented groups of individuals responded to this question, with some key themes emerging from their comments. Many acknowledged the importance of carrying out pre-appointment checks, including obtaining DBS information, and would promote the use of the DBS's update service to ensure the most up-to-date information was known about existing employees. However, this group and other respondents cautioned against an over reliance on the DBS check to 'prove' suitability. It was suggested that more general gathering of intelligence and other elements of the safeguarding checks required by KCSIE, along with robust training for those assessing suitability and appointing staff, was equally valuable. There was also strong support for more emphasis to be placed on the assessment of staff members' motivation, values and attitudes as recommended by Lord Norman Warner and the NSPCC.

Respondents called for the department to reconsider, and re-introduce, mandatory national standards and national programmes for safer recruitment training, and that it should be a mandatory requirement for all staff to receive safeguarding training. Further recommendations for change included placing more mandatory requirements on schools and colleges by introducing legislation that would require:

- Annual subscription to the DBS update service for all school staff.
- Regular rechecks of DBS information, or routine regular staff self-declaration, to identify criminal offences and any actions that resulted in police involvement.
- A single set of standardised checks for all those working in schools, including prescription on obtaining reference (including for volunteers) – this would remove confusion and 'loopholes'.
- A DBS pre-appointment check for all staff regardless of whether they have worked in a school in the previous three months.

In addition, KCSIE or other guidance could include:

- More information to generally improve recruitment processes, support better interview techniques.
- Simplified guidance, with more checklists and templates.
- Clearer guidance on the definition of the terms 'must' and 'should' when used in statutory guidance.
- Clearer guidance on overseas checks.

- Highlight the importance of a code of conduct and promote the sharing of information.

It was suggested that DfE could also take forward work to agree a process for developing:

- A unified/international agreement, access to an international database to support safeguarding checks.

**Question 32: If you could change anything about the current requirements placed on schools and colleges regarding handling of allegations of abuse, in order to strengthen against possible risks to children, what would that be?**

**We received 135 Responses to this question.**

### **Consultation findings:**

The general theme throughout responses was that clearer/more descriptive guidance, which provides more prescription about action that must be taken would be welcomed. It was suggested that process flow diagrams would be helpful. There were requests for more effective support and more/better training at local level to enable those responsible to be confident when handling allegations. It was suggested that some schools and colleges remain uncertain about how to properly categorise the outcome of allegations specifically in relation to the use of either 'malicious', 'unproven' or 'unfounded'.

More generally comments suggested that:

- Ambiguity relating to headteacher/DSL reporting in the draft version of KCSIE should be addressed; KCSIE suggests allegations against staff should be reported directly to the head teacher or principal, but elsewhere references the DSL dealing with allegations.
- Sharing/inclusion of unsubstantiated allegations in references should be promoted.
- There should be improved engagement with third parties such as LADO's, social services, support groups including allocating appropriate funding and resourcing and improved ability/knowledge.
- There should be clarification about the terminology used, for example confusion between DO & DSL, and the role of a DO.
- There is need for more cohesion between relevant information and requirements e.g. differences between Ofsted guidance, KCSIE and ESFA funding agreements.

### **Question 33: Is there anything that you are currently required to do when addressing allegations of abuse that you find difficult? If so, what makes it difficult?**

**We received 242 responses to this question**

#### **Consultation findings**

This question asked for general feedback on what those who are responsible for handling allegations of abuse find most difficult. A key theme running throughout most responses was the difficulty involved when dealing with the various people involved, in what can be a highly charged situation. This included managing the parent/carer/school relationship, and ensuring parents are aware of the need for confidentiality. Responses advised that these challenges can be exacerbated when parents disagree with the process being followed, or where there are difficulties such as domestic violence/alcohol/drugs/mental health. Respondents advised that they found managing anger from parents difficult in cases where, following an investigation and disciplinary procedures, schools do not dismiss the individual because the allegation was found to be unsubstantiated.

The lack of access to information, whether because it is 'classified', a failure or unwillingness to share, or the length of time it takes to obtain information were also identified as a common problems. One respondent also indicated the lack of access to historic records for home educated pupils was a further hurdle to overcome. The time taken, especially when it is necessary for police involvement, and the resource required to conclude an investigation were seen as particular challenges. The view of some respondents was they had experienced a lack of support from the third parties due to availability, resources, funding knowledge, ability etc.

Specifically on the practical aspects of an investigation, deciding or dealing with suspensions and managing staff relationships where accusations against "colleagues" have been made are all areas of concern to some respondents. It was also felt that "The process could be far more supportive to those staff facing the allegation", and where it was not this produced additional difficulties.

#### **Government response to questions 31, 32 and 33**

These questions were posed very much with longer-term policy thinking in mind. We are particularly grateful to all those who responded to these questions and it was encouraging to see significant numbers of respondents providing thoughtful and detailed comments. The subjects covered in responses were wide-ranging and highlighted the complexity of those whose roles involve responsibility for ensuring only suitable staff are appointed to work in schools and colleges and considering allegations made against staff. The responses made clear that to be effective in these roles the staff responsible must be confident in the processes that must be followed, and any locally determined policies and procedures including having knowledge of key local contacts.

In respect of handling allegations, it is vital that any investigation is carried out quickly and fairly and that the necessary professionals are involved. There was a strong message given in a number of responses that it was vital for those who would lead and support the action to investigate an allegation to have the skills necessary to deal with what are difficult, and often complex, situations. This is particularly relevant when managing the fine balance to ensure the member of staff and the child are supported and to communicate effectively with parents and manage their expectations.

We are aware that many of those who offer safeguarding training to schools and colleges will study carefully the detail included in the response to this consultation in order to ensure the training packages they offer continue to address the needs of schools and colleges. As with all of the questions in section 3 of the consultation, responses will be retained for use during any future review of current policy and practice.

## Conclusion

We are grateful to all those who took the time to respond to the consultation and share their views. We believe that the changes and refinements we have made to the guidance in response to the consultation will provide further clarity for schools and colleges and ultimately provide children with the high quality safeguarding in schools and colleges they deserve. The intelligence around usual practice gathered during this exercise will be used to help inform any future development of departmental guidance.

## Annex A: Organisations which responded to the consultation<sup>2</sup>

Sketchley Hill Primary School	Whitcliffe Mount School
Bridgwater And Taunton College	Toftwood Infant and Junior School Federation
The Cedar School	Pinderfields Hospital Pupil Referral Unit
Independent Schools Council	Herefordshire Council
Talmud Torah Tiferes Shlomo	Hasland Junior School
Edmonton Academy Trust	Woodlands School
Shenfield High School	Selwyn Primary School
The Priors School	Newstead Wood School
Stowe school	St Mary's CE Primary School
Langford School	Westfield Primary School
Hook with Warsash C of E Academy	Tower Bridge Primary School
Lexden Springs school and college	Ilkley Grammar School
Lordenshaw Consultancy Ltd	Barnet/Cambridge Education
Springwell Learning Community	Capel Manor College. About to start as Sir George Monoux College
Lound Academy Trust	Islington Council
Great Bridge Primary School	South Pennine Academies
Loughborough Grammar School	The Children's Society
Wigan Council	The Royal Hospital School
Oxfordshire Teacher Training	UTC Warrington
Southwick CE Primary School	Crocketts Community Primary School
Parent Zone	St John's College
Pinner High School	Queen's College London
Rosendale School	Ilford County High School
London South East Colleges	Huntcliff School
Northolt High School	St Osmund's Catholic Primary School
Eyre Safeguarding Services Ltd	Olsen House School
youngpilepsy.org.uk	Stoke Hill Junior School
All Party Parliamentary Group on Modern Languages	Barnardos
Summerhill School	Aspirations Academies Trust
Aureus School	Canford School
Avenue Centre for Education	Wickham Common Primary School
Court Lane Infant and Court Lane Junior School	ElmWey Learning Trust
Platt Bridge Community School	High View School
Centrepont	Hearts Academy
Wimborne Infant School, Southsea, Hants	Quotient Associates Ltd

<sup>2</sup> We had further responses from organisations but if the respondent had not indicated that he/she was responding on behalf of the organisation or included the name/address of the organisation, we have excluded them from this list. Likewise, we have not listed the names of private individuals who replied or of those who requested their responses were kept confidential. However, these views were included in the analysis. We also had some respondents who did not answer the specific questions in the consultation or responded after the consultation closed. Although these responses were not included in the formal consultation analysis, they were read and the views there in taken into account when shaping the revised guidance.



Ateres High School	East of England Safer Employment Network
pupil 2 parliament	Sun Academy Bradwell
Corsham Institute	United Learning
LB Wandsworth Council	Derby College
Equality and Human Rights Commission	MASIE - Midland Association of Safeguarding in Education
NSPCC	Yorkshire Training Partnership Ltd
Sunnydown School	City of Wolverhampton Council (School Improvement Team)
Damson Wood Nursery and Infant School Academy	Hillside Special School
Beechcroft Infants School	The Valley Partnership
Plymouth City Council, Children Young People & Families	Welbourne Primary School
Shebbear Primary School	Services for Education
	Merryfields School
Abingdon and Witney College	Hackney Learning Trust
Whitehill Community Academy	Thyme research & Consultancy
Woodgrange infant school	London Borough of Enfield
Newcastle College	Ravensmead Primary School
SEA Inclusion & Safeguarding	North Yorkshire County Council LADOs and HR,
WEST LAKES ACADEMY	South West Education Group
Glyne Gap School	Luton Council
Travis St.Lawrence C of E School Hatfield Doncaster	Langley Primary School
SWGfL / UK Safer Internet Centre	Kenyngton Manor Primary School
Sutton Valence School	Hull Collaborative Academy Trust
St. Anne's School and Sixth Form College	Blackpool Sixth Form College
ISBA	Heathfields Infant and Wilnecote Junior School
St Julie's Catholic High School	Lady Eleanor Holles
Wexham school	Saracens Multi Academy Trust and South Darley Pre-school Playgroup
Ask Schools Consultancy Limited	St Mary's Calne – school
Mercia Primary Academy Trust - Lark Hall Infant and Nursery/Flax Hill Junior	Sheffield City Council
Sheringham High School	Kirklees Council
Albany Junior School	Tiffin School
Welbeck Defence Sixth Form College	Pear Tree Mead Academy
CAPE (Child Protection in Education)	Norfolk County Council - Educational Visits
Lancaster & Morecambe College	The Leys School
The Elton High School, Bury	Teesside Learning Trust
British Fencing	Hills Road Sixth Form College
Bournville Junior School	Green Meadow Primary School
National Education Union	The Safer Recruitment Consortium
Newcastle City Council	The Diana Award

Camberwell Park Specialist Support School	Leicester City Council
Havering Education Services	GLF Schools
Whitgift School	The Association of Directors of Children's Services Ltd
Wiltshire Council	The Cheadle and Marple College Network
Cornwall Council	National Governance Association
South Gloucestershire and Stroud College and Multi-Academy Trust (MAT)	Quality educational guardianship UK Ltd
Colchester Institute	East Sussex County Council
St Dunstan's College	The National Association of Independent Schools and Non-Maintained Special Schools (NASS)
Millfield School	University of Bedfordshire's International Centre
Babcock LDP	Independent Schools Inspectorate
RNIB College Loughborough	Mill Hill School Foundation
3BM	Governing Body Ansford Academy
The Mirfield Free Grammar and Sixth Form Multi-Academy Trust	James Allen's Girls' School
Norfolk County Council	esafety Ltd
Bede's School	National LADO Network
Kent County Council	West Midlands Construction UTC
East Coast College	Cheshire East
National Day Nurseries Association	Bolton LA
ESPRIT Multi Academy Trust	NAHT
Girlguiding	Calderdale Local Authority
Independent Schools Council	Darlington Borough Council
REAch2 Academy Trust	Diabetes UK
Chesterfield College	The Futures Trust
Independent Safeguarding Consultant - Sarah Turner Consulting	The Bulmershe School
Catholic Education Service	East Riding of Yorkshire LA & East Riding LSCB
School Improvement Liverpool	Office for Standards in Education, Children's Services and Skills (Ofsted)
Sacred Heart of Mary Girls school	Bournemouth, Poole and Dorset LADO's, Bournemouth and Poole Education Safeguarding Advisors and Bournemouth and Poole School Safeguarding Leads (Group of 88 DSL's/Deputy DSL's from approx 90 Bournemouth and Poole Schools)
Westfield School	NFA Group
Warwickshire County Council	Spring Common Academy
Milton Keynes College	National SEND Forum
British Council	Birmingham City Council - Education Services
Okehampton Primary School	Nottinghamshire County Council
Manchester City Council	Derby Safeguarding Children Board
Edgbaston High School for Girls	Boarding Schools' Association

Suffolk One	Action for M.E.
Association of School and College Leaders	Association of Colleges and National Association for Managers of Student Services
Childnet	Merton Borough Council
Recruitment and Employment Confederation	Education Personnel Management LTD
Buckinghamshire County Council	Sense College
St. Francis' College	Durham County Council - Education Equalities Team
Hampshire County Council	Waltham Forest Safeguarding Children Board
Eastleigh College	Anti-Bullying Alliance
Essex County Council	Impero Solutions Ltd.
End Violence Against Women Coalition	City & Hackney Safeguarding Children Board
Forres Sandle Manor Preparatory School	Lewisham Local Authority
South Essex College	Telford and Wrekin Local Authority



Department  
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Reference: DFE-00154-2018



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