

Changes to keeping children safe in education (KCSiE)

Response of the Association of School and College Leaders

- 1 The Association of School and College Leaders (ASCL) represents nearly 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL appreciates the updating of KCSiE and we particularly welcome the new advice covering sexual violence and sexual harassment between children in schools and colleges.
- 3 KCSiE is an essential document for all schools and colleges and they will need to update their policies, procedures and practices in recognition of the changes. However, it is difficult for schools and colleges to work out what has changed from the previous version so a 'track changed' document showing what has changed since the 2016 guidance would be helpful.

Part 1 Safeguarding information for all staff

- 4 Paragraph 26 could be interpreted as suggesting that the staff member as opposed to the Dedicated Safeguarding Lead (DSL), or deputy, will be leading on liaising with other agencies and setting up inter-agency assessments. In most cases it will be more appropriate for the DSL to act as the lead professional with support from other staff as appropriate.
- 5 With reference to paragraph 29, we note that we are still awaiting a response to the consultation on mandatory reporting¹.
- 6 Paragraph 32 should make clear that 'the DSL' rather than 'staff' should follow up on a referral.
- 7 With reference to question 7 we consider that given the given the importance of the new sexual violence and sexual harassment advice this would best be published as a full additional annex to this statutory guidance rather than as a separate standalone document.

Part 2 The management of Safeguarding, Annex A and Annex C

- 8 Paragraphs 64 – 70: We consider that reducing schools and education bodies to 'relevant agencies' rather than statutory partners the recent changes to 'Working Together to Safeguard Children: changes to statutory guidance' risks an assumption

¹ ASCL's response can be found here; https://www.ascl.org.uk/policy/consultation-responses_news-detail.reporting-and-acting-on-child-abuse-and-neglect.html

being made that the statutory partners have a more important role in safeguarding children than schools. Schools and colleges can contribute valuable intelligence and data at a strategic level to shape new approaches and ways of working as well as putting in place early help. It is essential that their inputs are fully utilised and not missed or ignored. For the ASCL position on changes to multi agency working we refer you to ASCL's response to 'Working Together' dated 29th December 2017, in particular to paragraph 12².

- 9 Paragraph 71: As the revised KCSiE will be issued in September 2018, we believe that mention should be made here of the General Data Protection Regulation and the new Data Protection Act which will be in place by then.
- 10 Paragraph 78: The document mentions 'SRE' however the Children and Social Work Act 2017 makes the new subjects of Relationships Education (RE) at primary and Relationships and Sex Education (RSE) at secondary mandatory from September 2019. As many schools will start putting this provision in place and using this terminology before the implementation date the language in KCSiE should reflect these changes.
- 11 Paragraph 77 and 79. Paragraph 79 and Annex C are useful. We would add that schools and colleges cannot protect children from the internet at all time but they can help them to learn how to be safe online and to develop the associated critical thinking skills.
- 12 Paragraph 86 and Annex A: We are pleased to see this further guidance on peer on peer abuse. We strongly welcome these provisions alongside the new non-statutory advice covering sexual violence and sexual harassment between children in schools and colleges.
- 13 In relation to a serious allegation of sexual assault we are particularly pleased to see Annex A indicate clearly that wherever possible, the victim, if they wish, should be able to continue in their normal routine. We fully support the view that the overall priority should be to make the victim's daily experience as normal and routine as possible with the school or college being a safe space for them to attend. Holding this as a fundamental principle will help schools and colleges make extremely difficult decisions about how to support both victims and alleged perpetrators in the aftermath of an allegation that has yet to be proven.
- 14 We note that Annex A contains a wide range of really important information. This would be easier to use if it contained a table of contents.
- 15 Paragraph 97: We note that the department has recently consulted on draft guidance commissioned by the Council for Disabled Children on reducing the need for restraint and restrictive intervention for children and young people with learning disabilities, autistic spectrum disorder and mental health needs. We refer you to our response to this consultation³. It is our view that there is a need for clarity on safe and effective restraint for all schools including mainstream, alternative provision and other educational settings and a greater emphasis and detail on how to safeguard the welfare of staff. It is our view that the current guidance *Use of reasonable force in schools* guidance referred to in this paragraph of KCSiE is not sufficient and in urgent need of review.

² https://www.ascl.org.uk/news-and-views/news_news-detail.working-together-to-safeguard-children.html

³ https://www.ascl.org.uk/policy/consultation-responses_news-detail.reducing-the-need-for-restraint-and-restrictive-intervention.html

Part 3 Safer recruitment and Annex E

- 16 Flowchart on page 37: The flowchart approach is helpful however this one neglects to ask if activity carried out by a 'new volunteer' is 'regular'.
- 17 Paragraph 132: We have some concerns regarding their being only a single central record for a MAT and the responsibilities and accountabilities that sit with the Headteacher of an academy in the MAT and the local governing body where one exists. There is a view from some academy Head teachers in MATs that the individual academy should take ownership for their own single central record.
- 18 Paragraph 170: Children staying with host families (homestay) and Annex E: Host families - homestay during exchange visits. In September 2016 Annex E of KCSiE changed to the wording around DBS checks of host families. The new version of KCSiE repeats the wording that schools "should" request a DBS certificate with barred list check in respect of UK host families.
- 19 While we absolutely agree that safeguarding is paramount for any trip involving under-18s, particularly a trip overseas we believe that it is important to balance safeguarding with a common sense approach that does not prevent trips happening altogether. Indeed in the last iteration of KCSiE was published in 2016 we were told that it was not intended to imply that DBS checks would be required for hosting school exchanges.
- 20 In recent years and particularly since 2016 there has been a huge decline in the number of schools taking part in exchanges, particularly in the state sector⁴. ASCL members tell us that this is in part because of the changes to Annex E in 2016. We believe that foreign exchanges can be a powerful motivator for language learning for young people and can give them the opportunity to make rapid progress in language proficiency as well as the opportunity to see life through the eyes of another culture. We feel that the decline in foreign exchanges has contributed to the decline in take up for languages.
- 21 Teachers identify time needed for the administration and management of exchanges and health and safety issues as major reasons for not running exchanges. Therefore the safeguarding regulations need to be as clear and helpful as possible to not provide further barriers.
- 22 The latest version of KCSiE once again sets out that schools "should" (rather than 'must') request a DBS certificate (with the barred list option checked) in respect of UK host families. If schools decide not to carry out the recommended homestay checks, the guidance suggests that schools and colleges should still satisfy themselves they are not putting a child at risk and be able to justify the decision made if challenged. We share the view of the British Council that the use of "should" is not helpful, and suggest that "must" is used instead. We appreciate that this change will require legislation. We draw your attention to the fact that if the regulations suggest that a check 'should' be carried out, it is unlikely that a school leader would be able to justify not carrying out a check. Having this made clear with 'must' would make explanations to overseas partner schools and to hosting parents much more straightforward.

⁴A recent British Council survey from December 17 (looking at French links- which would be the vast majority of all visits taking place) showed that only 9% of schools are now running visits (17% of independent schools; 14% of Academies and 5% of LA maintained) https://www.britishcouncil.org/sites/default/files/a_world_of_experience.
<https://www.britishcouncil.org/organisation/press/british-council-says-%E2%80%98bring-back-school-exchanges%E2%80%99>

- 23 In general, the use of the terms 'should' and 'could' in guidance are not helpful from a school leadership or governance position. School and colleges need absolute clarity in guidance that they either have to do something i.e. 'must' or they do not have to do something i.e. 'do not have to'.
- 24 Further it is not clear which adults providing the homestay must be checked the guidance says "the check the barred status of an adult who will provide homestay". For clarity we suggest this is replaced with "all adults who will be living/sleeping in the in the home providing homestay during the exchange".
- 25 We also request that at the end of Annex E, a link is attached to this ASCL document⁵ on international school exchanges and visits, which provides more detailed information and guidance e.g. on arrangements in France, Germany, Spain, plus links to helpful template documents. This ASCL guidance will be revised and updated to reflect the final revised KCSiE guidance.

Part 4 allegations of abuse made against teachers and other staff

- 26 With reference to paragraphs 186 – 190 on supporting staff facing allegations we would welcome additional guidance on ensuring that staff are properly supported when an allegation is made. Schools and colleges tell us they are often waiting too long for the police to contact staff who have had allegations made against them.
- 27 I hope that this is of value to your consultation, ASCL is willing to be further consulted and to assist in any way that it can.

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https://schoolsonline.britishcouncil.org/sites/default/files/guidance_paper_international_school_exchanges_and_visits_homestays.pdf