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## Government consultation on Keeping Children Safe in Education 2021

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### Response of the Association of School and College Leaders

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#### **A. Introduction**

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1. The Association of School and College Leaders (ASCL) represents over 21,000 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. This guidance replaces KCSIE 2020. ASCL welcomes the opportunity to contribute to this consultation, believing nothing is more important than safeguarding and promoting children's welfare.

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#### **B. Key points to address within the consultation include**

**Part one** - sets out what staff in schools and colleges should know and do. It explains their safeguarding responsibilities, what the various forms of abuse and neglect look like and what staff should do if they have concerns about safeguarding matters. [SEP]

**Part two** - sets out the arrangements for the management of safeguarding, including the responsibility of governing bodies and proprietors, the role of designated safeguarding leads and the safeguarding policies and procedures that should be in place. [SEP]

**Part three** - sets out the safer recruitment arrangements schools and colleges should adopt and describes in detail the checks that are required for individuals working or visiting a school or college. [SEP]

**Part four** - sets out how schools and colleges should manage allegations of abuse made against teachers and other staff including supply teachers, other staff, volunteers and contractors. [SEP]

**Part five** - is about managing reports of child on child sexual violence and sexual harassment and sets out what governing bodies and proprietors should be doing to ensure reports of child on child sexual violence and sexual harassment are managed appropriately.

## **C. General response**

3. ASCL welcomes this opportunity to review and improve expectations of quality provision for Safeguarding in Schools. We have not responded to the whole consultation, instead we have focused in our response to those questions where we feel we can add value.

## **D. Responses to specific sections and questions within the consultation**

### **1. About the guidance**

4. ASCL supports the view that everybody working in a school or college must understand their safeguarding responsibilities. The proposal that those who work directly with children should read at least part one and those who don't should read either part one or Annex A may prove confusing.
5. Expectations need to be clear. If we allow the brief version to be the only version shared with some staff, we are concerned that this could lead to missed opportunities.
6. The wording in Section 1 is 'everyone who comes into contact ...'. Other wording says everyone 'should know what to look for'. This can't be done through just the brief annex.
7. ASCL would like these expectations to be clarified.

### **2. Part 1: Safeguarding information for all staff**

8. The updated definitions and highlighting of what schools should look out for in relation to potential harms are helpful. It is good to see CSE and CCE children being recognized as victims of abuse.

### **Question 14: Do you support proposed changes to how online safety is reflected?**

9. ASCL welcomes the identification of online abuse and raising awareness of the 'significant' part technology can play in safeguarding and wellbeing issues. However, we believe an opportunity has been missed here to move away from the 'blame' culture. Furthermore, this approach to online safety does not match the positive messaging used in the sexual harassment advice. The reference to 'personal online behaviour' suggests that abstinence and restrictions are the best way for young people to remain safe online. Schools teaching abstinence risk a culture of non-disclosure and secrecy. This section should support positive, safe, online behaviour that involves young people taking responsibility for online behaviour and being encouraged and supported to disclose behaviour that may put them or their peers at risk.

### **Role of the DSL**

### **Questions 15 – 25**

10. ASCL welcomes the considerations given to the outcomes of the Children In Need Review and the expectation for DSLs and their teams to have the capacity to support positive outcomes for young people who may require additional provision.

11. Our members tell us DSLs are over stretched and need additional status, training and supervision to ensure they can support the young people in their care. We have concerns of current capacity of DSLs based on the following considerations:
- The influence of the DSL when not part of the SLT especially with regard to vision and culture.
  - The capacity of those DSLs who are also HTs (and SENCOs and CLA lead and mental health lead and so on) or in smaller, one form entry, schools.
  - The need for a list of QA'd centralised resources to support DSLs.
  - The need for money to:
    - Employ the DSL as SLT
    - Release DSL to do role
  - Most importantly, the need for education-based (rather than clinical), LA-delivered supervision for all staff involved in supporting children.
12. Also, ASCL would like to see promotion of the DSL role as a leadership responsibility relevant to all aspects of a child's development. There is a danger that safeguarding is seen as a pastoral responsibility. This profile risks reducing the importance and influence of the DSL and safeguarding within the school. The DSL should be facilitating staff to bring about engagement with the curriculum through adoption of positive behaviors for learning. Effective safeguarding influences academic success not only pastoral development and wellbeing.

## **Part 2: The management of safeguarding**

13. ASCL agrees that the nature and complexity of the DSL role demands this role is held by a designated senior member of school staff.
14. ASCL agrees the DSL role should be strategic with responsibilities for promoting positive outcomes for all pupils. ASCL believes that, in describing the roles and responsibilities of the DSL, it must be made clear that accountability for safeguarding outcomes sit with all staff and are not the sole responsibility of the DSL.
15. Many schools now employ a DSL and a deputy but still require shared responsibilities to be held by all staff across the school, such is the scope and the requirement for safeguarding support.
16. ASCL recommends that all DSLs have access to clinical supervision. ASCL also recommends the DfE undertakes research into the roll-out of an education supervision offer for supporting wider school staff.
17. ASCL recommends a shift in language used to describe responsibilities; emphasising the expectations at a whole school level for distributed responsibility.

## **Online safety**

18. ASCL is concerned about online safety and recognise more needs to be done to mitigate risk. KCSIE has an opportunity to set the tone to be adopted in relation to supporting the safety of young people online. There is an opportunity here to recognise and contextualise risk-taking for young people.

### **Part 3: Safer recruitment**

**ASCL welcomes the emphasis given in this section to building a culture of vigilance.**

### **Part 4: Allegations of abuse made against teachers including supply teachers, including supply teachers, other staff, volunteers and contractors**

19. While some schools and colleges use HR/personnel services, it is important that service providers understand the safer recruitment principles included in the draft guidance and that recruitment processes they use adopt these.

#### **Question 26: Is the revised new format of Part three helpful?**

20. Yes, we believe that the revised new format of Part three is helpful.

#### **Question 27: Do the proposed changes to Part three provide clarity about the principles of safer recruitment and not just being reliant on a DBS check?**

21. Yes, we believe that the proposed changes do provide clarity about the principles of safer recruitment and not just being reliant on a DBS check. We do, however, have some concerns over certain elements of them which we feel could be clearer, as detailed in our answer to question 28 below.

#### **Question 28: Do you have any suggestions about how the safer recruitment process might be improved beyond the changes we are proposing to Part 3?**

22. Yes, whilst we feel that the proposed changes do provide more clarity about the principles of safer recruitment, we feel that some areas need to be more explicit, as detailed below:

**Page 40 paragraph 168: *This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.***

We do not believe that this is what the section does, or should, focus on. This guidance is for schools and colleges, not potential applicants. The focus is surely to ensure that the schools or colleges have the correct robust recruitment processes in place to not only deter unsuitable applicants, but to prevent them being employed.

**Page 41 paragraph 176: *Schools and colleges should require applicants to provide: personal details, current and former names, current address and NI number; Personal details***

We believe that this should include a reminder/footnote of data that should not be collected at application stage.

**Page 41 paragraph 176 states: *Schools and colleges should require applicants to provide: information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;***

Page 42 paragraph 178 states: **Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. For example:**

- **if they have a criminal history;**
- **whether they are included on the barred list;**
- **if they are known to the police and children's services;**
- **whether they are prohibited from teaching;**
- **whether they are prohibited from taking part in the management of an independent school;**
- **have they been disqualified from providing childcare; and**
- **any relevant overseas information.**

**179. This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.**

We believe that these sections appear to contradict each other and need to be clarified. Paragraph 176 says information should be collected in the application form, and section 178 and 179 say this information should not be collected in the application form.

23. We also believe that some sections of the flowchart on page 52 could be misinterpreted. On the first row when following the process for 'New Staff' (eg teacher or support staff in regulated activity), the next box states '*Is the person transferring for a similar position without a break in service of more than three months?*' If the answer is 'yes' then the next box states: '*There is no legal requirement to obtain a new enhanced DBS certificate (with barred list check) but one may be obtained. A barred list check must be obtained.*'
24. We believe that this could be misinterpreted and lead to a DBS check not being carried out when one is required. For example, if a member of support staff had been employed as say a Catering Assistant, Cleaner or Receptionist, this would be a similar position but not necessarily in an establishment where a DBS check had been required or carried out. This needs to be clarified in the flowchart.
25. Additionally, on the bottom row, the box is entitled '*Supply teachers*' but only contains information on those supplied by an agency. There is no information on supply teachers (or other staff) who are employed directly by schools on a temporary basis. They are not referred to in the '*New staff*' box either. We feel that it would be beneficial if they were all included in a '*supply staff*' section, or a separate section added and then made clear in this one that it relates to agency staff, rather than '*supply teachers*'.

**Question 29: Do you have any further comments about the content of Part three of the draft guidance?**

26. We believe that if the comments made in our answer to question 28 are incorporated into the guidance, it will be strengthened by them.

**Part 5: Child on child sexual violence and sexual harassment**

27. We know that, since lockdown began, '*25% of girls have experienced at least one form of abuse, bullying or sexual harassment online*' (Plan UK, 2020), and that there has been an upsurge in practices such as '*revenge porn*' (Reuters 2020).

28. Overall, focusing efforts on helping young people to develop thorough understanding of consent, power in society, pleasure, positive relationships, and communication is much more useful than simply opting for the 'porn = harm', and/or an abstinence-based approach. We believe the new advice and the RSE curriculum go some way toward this but schools would benefit from further training opportunities to understand these complex issues better.

**Question 35 What would you change about Part Five to make it more effective?**

29. Advice and guidance for victims and perpetrators of child-on-child sexual violence and sexual harassment is important and ASCL is pleased to see this given greater attention. We also believe the case studies included in the guidance will be particularly helpful for leaders and governors. We would like to see more of these.

30. It would also be helpful to share a list of QA'd guidance resources for schools.

**Question 46: Do you agree with the definition of "low level concerns" described above?**

31. ASCL does not agree that this definition of 'low level concerns' provides sufficient clarity. Safeguarding issues are complex, contextualized and change rapidly. We believe 'low level concerns' is the wrong script.

**Question 47: Do you agree that it is an important component of school and college safeguarding procedures for low level concerns about staff to be recorded?**

32. ASCL believes that systems should be in place (determined by the school) that *capture* rather than *record* concerns about staff.

**E. Conclusion**

33. There is a clear need to support the increasing expectations upon DSLs with resource. This should include mandated supervision, funding and clarity of safeguarding accountability. This should be a shared responsibility and not the preserve of the DSL.

34. Online safety is important, but the guidance must avoid adopting a blaming approach – the focus should be to adopt a research informed approach to best practice relating to online harm, and have an emphasis on providing support to young people.

35. We are grateful for the opportunity to contribute to this consultation.

36. We hope that this response is of value to the process. ASCL is willing to be further consulted and to assist in any way that it can.

*Margaret Mulholland  
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Association of School & College Leaders  
4 March 2021*