

Government consultation on Keeping Children Safe in Education 2022

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents over 21,500 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 welcomes the opportunity to contribute to this consultation.

B. General points

3. The KCSIE policy document provides a wealth of helpful information that our members value. However, at 172 pages it represents a breadth and depth of knowledge that can feel overwhelming for school staff and leaders.
4. The KCSIE guidance is expected to be read alongside *Working together to safeguard children* and advice for practitioners on *What to do if you are worried a child is being abused*. This is carefully synthesised information that constitutes a further 134 pages of advice.
5. Schools require sufficient time to read, know and understand these safeguarding expectations each year. This requires protected CPD time. In ASCL's [Blueprint for a Fairer Education System](#) we recommend schools and colleges are provided with more time for engaging with professional learning.
6. The timing of the annual release of the KCSIE guidance is important. Schools require time to incorporate changes and update policies (to ensure integration across) and plan dissemination and training in line with the annual publication of KCSIE.
7. Publication of KCSIE usually comes late in the summer term which means school leaders need to spend the summer break preparing for implementation in the autumn. If the government were instead able to publish the week before the May half term this would allow time for DSL and leadership planning.
8. Safeguarding responsibilities are whole school responsibilities. This needs to be made even clearer in the guidance.
9. The DSL role requires seniority to lead and co-ordinate across the school and, as such, is a strategic role and one that requires significant operational support.

10. For smaller primary settings the responsibilities for safeguarding often fall on a headteacher who is holding multiple roles.
11. Use of the term Zero tolerance runs in direct contrast to other parts of the guidance. It creates a restrictive policy which makes it impossible for staff to act in the best interest of children. Schools understand zero tolerance to mean punitive and sanctions based. We suggest removing all reference to zero tolerance.
12. Our members tell us that a large amount of administration accompanies the DSL role in all settings and, as the expectations and scope grow, so do the workload pressures. Case studies where additional administrative support structures have been established should be explored in relation to the workload benefits for DSL. We would like to see evidence published on 'what works' in supporting the scope of this role.
13. Good governance for safeguarding is essential and ASCL sees access to governor training in this area as a priority.
14. ASCL believes that supervision is now needed for DSLs, as a result of the extensive responsibilities of this role, and that this should be provided as part of the LA statutory responsibilities.
15. The language and tone of KCSIE needs to align with other government policy guidance.
16. A whole school approach requires a distributed leadership model and not a model of the 'hero' DSL. ASCL believes the message that a whole school approach is required is absolutely clear in the guidance. However, the description of the DSL role is not yet sufficient to support schools to reflect this expectation.

C. Answers to specific questions

Section 1 – Summary of the guidance

Question 7: Is the guidance clear on the safeguarding requirements placed on the above providers?

17. Yes.
18. ASCL believes the tailoring of this document to the safeguarding needs of all providers is clear and appropriate.
19. The incorporation of definitions of 'victims' and 'perpetrators' is useful distinction, however, we would urge the use of first-person language; in other words 'a child who has instigated/ perpetrated' rather than the labelling of the whole child as 'perpetrator'.
20. The shift to the term 'child-on-child abuse' rather than 'peer-on-peer abuse' is helpful and timely.
21. The additional information is helpful. The hyperlinked contents page is particularly helpful, and the incorporation of embedded links to the most up-to-date information. As noted above, additional information is always useful when explaining complex

information, but we have concerns about school staff being able to know, remember and understand such a wealth of information.

22. Our members have suggested that a termly bulletin for DSLs would be helpful. This could highlight and showcase key sections of the KCSIE guidance, synthesise the latest issues, signpost evidence about 'what works', and share case studies of positive experiences from all stakeholders (parents, pupils, LA and governors).
23. ASCL members are not looking for additional information from such a bulletin, but rather opportunities to engage with new language and explore sections of the guidance to build much-needed confidence and breadth of knowledge.
24. The volume of knowledge and training required by all staff to identify children and young people at risk of harm is extensive. ASCL's Blueprint for a Fairer Education System calls for all school and college staff to be effectively supported, with appropriate and manageable workloads, commitments, and responsibilities.
25. There needs to be an increased commitment from the government to ensuring all teachers and leaders have access to, and time to engage in, high-quality professional development.
26. More specifically, our Blueprint proposes piloting 20% ring-fenced staff time for collaborative planning, coaching and CPD, all of which would support stronger engagement with the extensive safeguarding expectations that the KCSIE guidance so effectively captures.

Section 2 – Part one: Safeguarding information for all staff

Question 8: Is the additional information helpful for school and college staff?

27. Yes.
28. The additional information on domestic abuse and its impact on children is helpful and timely after the challenging experiences of lockdown and return to school.
29. ASCL supports the change in language from 'peer-to-peer abuse' to 'child-on-child abuse'. We believe this is a more accurate description and will heighten awareness and vigilance regarding this form of abuse.
30. The insertion of the additional information on the difficulties children and young people can have in recognising harmful experiences is useful. This provides, however, an example of how even small changes create extensive additional activity for DSLs to arrange. A few additional lines to explain the vigilance staff must adopt when identifying needs, i.e. that not all children will know how to communicate abuse or recognise harm. That one additional sentence requires a DSL to plan how to:
 - share the information
 - support staff through training to know how to recognise invisible need
 - support staff in taking next steps in just such a situation where they suspect harm but need to support the child's readiness to disclose
31. ASCL believes that school staff require additional, ringfenced time for professional engagement and knowledge building in order to deliver effectively on these expectations.

Section 2 – Part two: The management of safeguarding

Question 9: Is this additional information on legislation and the law helpful?

32. Yes.
33. ASCL would like to see a reference to the UN Convention on the Rights of the Child, and specifically the 'duty to listen'. We would also advocate for a reference to the Salamanca Statement to recognise inclusion of all children as an important principle that enables children with special educational needs to feel safe at school.
34. ASCL supports the inclusion of sexual violence and sexual harassment legal duties and advice within the body of the KCSIE guidance. This assimilation is important to show the multiple forms abuse can take and to ensure that schools don't silo behaviours into separate distinct categories of safeguarding need.

Question 10: Do you agree that KCSIE should set out that all governors and trustees receive safeguarding and child protection training as part of their induction?

35. Yes.
36. Training and awareness work with governors is essential, but the government needs to go further than simply laying out expectations.
37. ASCL believes that, if there is an expectation that all governors and trustees **should** be trained, then a high-quality, online, national induction programme must be available for schools to access as standard.
38. Schools cannot be left, in this crucial area, to quality assure local programmes and shop for best value. There should be more guidance on the recommended content of governor training, how it should be quality assured and how often it should be refreshed.

Question 11: Does KCSIE, but especially Part two and Part five, support schools and colleges to take a whole school approach to safeguarding?

39. No.
40. ASCL fully supports a whole school approach, but we don't think the descriptions in paragraphs 94 to 96 are sufficient. This section of the guidance should recognise the importance of developing strong relationships and trust, and shared responsibilities across schools and colleges to inform the school or college culture. That culture should not only reflect staff commitment to keeping children and young people safe, but should also provide an environment in which children and young people **feel** safe.
41. Paragraph 94 talks about the pivotal role of leadership and how governors and proprietors should work with everyone but does not refer specifically to the DSL. This paragraph should also refer explicitly to the strategic role of the DSL in coordinating the whole school/college systems and processes referred to in this section. The DSL role in building the safeguarding capacity of all staff across the school is key to this leadership responsibility.
42. A whole school approach requires a distributed leadership model and not a model of the 'hero' DSL. ASCL believes that the message that a whole school approach is required is clear in the guidance. However, the description fails to articulate (in Part two: the

management of safeguarding) that the strategic role of the DSL is key. This must be referenced as such in this section. Distributed leadership must be explicit in the guidance if schools and colleges are going to successfully implement the desired whole school approach.

43. School/college culture is not referred to at all in this section of the guidance. In addition to paragraph 94, paragraph 96 should refer explicitly to the importance of creating a school or college culture that encourages and supports vigilance and puts the best interests of the child or young person at its heart.
44. ASCL also believes that to achieve a successful whole school/college approach it is important schools and colleges receive government guidance on other policy areas which aligns to the ambitions, language and tone of KCSIE.
45. ASCL members have told us that the language and tone used in the current behaviour and attendance consultations are very different from the language and tone of KCSIE. Yet paragraph 13 references the importance of connectivity with other school policies which support safeguarding, and specifically references a school or college's behaviour policy. These policies, and the language, sentiment and intent within them, need to align in order to support positive and coherent action in schools and colleges.

Question 12: Is there anything else that would support schools and colleges to take a whole school approach?

46. Yes
47. We would like to see protected training time provided to ensure adequate time for staff training and development.
48. As referenced above, more guidance on ensuring that safeguarding is a shared responsibility would be useful.
49. There should also be an acknowledgement of children and young people as partners and ambassadors, and guidance on engaging children and young people's authentic voices in developing the school and college culture and co-creating support processes.

Question 13: Do you think the changes made to online safety in KCSIE 2021 have helped to embed online safety into your whole/college approach to safeguarding?

50. Yes.
51. Our members tell us they have moved quickly to strengthen systems and processes in light of recent recognition of online harms.
52. However, initial responses show us how much there is to learn if we are to support children and young people effectively. is needed to ensure new knowledge and skills.

Question 14: Are there any additional changes you believe should be made in Part two of KCSIE to help schools/colleges better understand how to keep children safe online:

- In the classroom and on school or college premises
- During remote learning

53. Yes.

54. We are not convinced that this is the right question to be asking. Keeping children safe is not only about what happens on the school estate; it is far wider than that. Simply implementing digital firewalls or prevention plans is not sufficient.
55. ASCL co-badged a recent [report](#) with Professor Ringrose and colleagues from UCL and the University of Kent. Their research on understanding and combatting image-based sexual abuse tells us that technology facilitates such sexual abuse. Image-based sexual abuse impacts all young people, but has greatest impact on girls.
56. This research tells us that image-based sexual abuse is heavily influenced by gender norms, and an intersectional approach to contextualised harm is needed. This has clear implications for CPD and the need to shift and shape school and college culture. It also tells us that there is evidence to support the need for more effective and age-appropriate digital sex education.

Question 15: Do Part two and Annex C adequately reflect the importance of the status and authority of the DSL role?

57. Yes.
58. The seniority of the DSL role is made clear in the Annex C guidance. However, the role description must explicitly reference the shared responsibility that must underpin the whole school approach heralded elsewhere in the guidance. Without this recognition of safeguarding being everyone's responsibility, and the expectation of distributed leadership for safeguarding led by the DSL, the role of the DSL is untenable.

Question 16: What would you suggest DfE can do to emphasise the authority and status that should be attached to the DSL role?

59. ASCL recommends a clearer, more intentional message about the DSL role being strategic rather than operational. This would better explain the substantial whole school leadership expectations of the role. There is a risk that the description of leadership responsibilities in Annex C can be misunderstood and interpreted as the DSL simply having a sole leadership responsibility.
60. It is our understanding that references in Section 2 and Annex C to seniority, status and authority are intended to enable the DSL to facilitate whole school distributed leadership, but this is not clearly explained for stakeholders.
61. The guidance could include a diagram showing how leadership is distributed across the school to impact on accountability and culture. This distributed leadership model is a necessary aspect of adopting a whole school approach and must be explained as such.

Question 17: Is the additional information helpful for schools and colleagues?

62. Yes.
63. It would, however, benefit from greater nuance. Reference is made to categories of need, such as looked after children, or young people with mental health difficulties or SEND. It would be helpful to have a paragraph recognising the contextual and intersectional vulnerabilities of these children. For example, recognising comorbidity of needs may mean a child or young person with SEND is more likely to have their mental health needs overlooked.

Section 4 – Part three: Safer Recruitment

Question 18: Is the restructured Part three (designed to follow the recruitment journey) an improvement compared to the old lay out?

64. Yes.

Question 19: Are there any additional changes you would suggest we make to Part three to better support school and college safer recruitment?

65. Yes

66. Additional guidance on how online searches will be conducted. See below.

Question 20: Is it helpful to suggest schools and colleges should consider online searches?

67. Yes.

68. ASCL believes that safer recruitment is vitally important and that any additional checks which can keep children safe should be taken. Searches can reveal important information about prospective candidates that can then be raised at interview.

69. The majority of our members already do online searches when recruiting, so that they can be equipped with all of the possible publicly available information on shortlisted candidates before interviewing them.

70. However, ASCL has concerns that this paragraph alone is insufficient to improve current school and college practices.

71. The new 2022 paragraph 215 says that schools and colleges 'should consider' conducting online searches, which 'may help identify any incidents or issues that have happened'. This strong recommendation to schools and colleges that they 'should' conduct searches requires detailed qualification.

72. Clarification of the expected process is required. The 2022 guidance does not provide any practical or effective guidance on how online (and social media) checks should be conducted by schools and colleges, and which platforms should be checked.

73. Providing this additional guidance would help to ensure consistency. This process must be consistent in schools and colleges across the country and therefore requires clear guidelines on:

- how a search should be conducted and by whom
- the tools to be used, e.g. a google search, a range of social media platforms
- the purpose, i.e. to determine suitability to work with children and keep them safe
- advice on avoiding discrimination in relation to information collected, where it reveals information about a candidate's protected characteristics under the Equality Act 2010

74. A search conducted as part of KCSIE guidance should be concerned specifically with revealing matters that are potentially of concern regarding a person's suitability to work with children. This is therefore, not an opportunity to explore any broader matters. These could include reputational matters, or the circumstances outside of any safeguarding

concerns that might have led potential candidates to have media coverage in previous employment (parental complaints, union action, disputes with previous employers, etc).

75. ASCL believes that, without clear government guidelines involving a period of stakeholder consultation, this formalised recommendation to make online searches may lead to inconsistencies in the recruitment processes used by schools and colleges, and risk the use of discriminatory judgement.
76. Without consultation and the development of guidelines as outlined above, ASCL believes the wording of paragraph 215 may more appropriately read that schools and colleges **could** rather than **should** conduct online searches.

Section 5 – Part four: Allegations of abuse made against teachers and other staff

Question 21: Has the new section about ‘low-level’ concern helped to clarify the importance of addressing low level concerns?

77. No.
78. ASCL does not believe ‘low-level’ to be a helpful category of concern. All concerns raised need to be followed, and may or not result in further action or referral. If this category is to be used, guidance is needed to ensure a consistent approach to defining and recording ‘low-level’ concerns.
79. The phrase ‘low-level concerns’ appears in KCSIE 2021 Part 4 (para 407-426). KCSIE 2021 specifies that the low-level concern had to entail behaviour directed towards children: ‘409. *The term ‘low-level’ concern does not mean that it is insignificant, it means that **the behaviour towards a child** does not meet the threshold set out at paragraph 338’ (our emphasis).*
80. The new proposed section on low-level concerns in KCSIE 2022 Part 4 appears at paras 417-437 of KCSIE 2021. It does not contain the equivalent wording to KCSIE 2021 to suggest that a low-level concern is inherently towards a child; accordingly, it could be any behaviour whatsoever, whether or not directed towards a child.
81. The particular problem with this is that KCSIE 2022 (like KCSIE 2021, it must be said) tells us that a low-level concern includes behaving in a way ‘*inconsistent with the staff code of conduct, including inappropriate conduct outside of work*’ (para 420). There is little objection to this if the behaviour contrary to the staff code of conduct is behaviour towards a child (as suggested as being required to constitute a low-level concern in KCSIE 2021). However, if any alleged contravention of the staff code of conduct (for example being late/absent/rude to a colleague) is cast as a low-level concern, despite this conduct not being towards a child, it gives low-level concerns a new meaning.
82. To recast low-level concerns to include any and all contraventions of disciplinary practice/staff codes of conduct completely subverts low-level concerns in a way which is extremely damaging to individuals whose (by its very nature low-level) conduct was not direct towards children. It also risks schools and colleges being able to distinguish genuine safeguarding concerns, where everything is cast as this
83. ASCL does not think the new definition in KCSIE 2022 helps schools and colleges in this regard. Whilst safeguarding should be embedded at the heart of the school culture, not every concern/complaint raised against a member of staff is going to be of a safeguarding nature. It is wrong to assume it is or to treat it as such. KCSIE 2022 does

nothing to assist schools and colleges to distinguish what behaviour amounts to a low-level concern and instead muddies the waters unhelpfully.

Question 22: Does this section provide the right level of information on ‘low level concerns’?

84. *No.*

85. See above. Whilst accepting that there may not be a clear definition, the removal of the link between the alleged behaviour and it being directed towards children is concerning.

Question 23: Would you include substantiated low-level concern in a reference?

86. *No.*

87. We would not recommend this, particularly in view of the likely divergence in how low-level concerns are going to be identified where KCSIE 2022 proposes to remove the link between the behaviour and it being directed towards children and young people. This change in focus, with the removal of this stipulation, would have the effect of all disciplinary matters being recast as “safeguarding” concerns, no matter how minor, on references, even where the conduct was not related/directed towards children. This could, in practice, inappropriately prevent large numbers of teachers from obtaining employment.

Question 24: Please provide any comments on how we have incorporated the standalone sexual violence and sexual harassment between children in schools and colleges advice into KCSIE?

88. It is useful to have the guidance incorporated and as such, recognised as fundamental to safeguarding. The guidance remains very long and there is some repetition that might be edited out.

Question 25: Does the revised Part five of KCSIE provide the right level of information to support schools and colleges manage reports of child-on-child sexual violence and sexual harassment?

89. *Yes.*

90. ASCL believes that, as a result of the impact of the pandemic, few schools have had the rich opportunities required to engage in training for staff and for good RSE curriculum development.

91. Schools understand zero tolerance to mean punitive and sanctions based response to behaviours. It is not helpful in this context where we are encouraging young people to disclose. We suggest re-moving all reference to zero tolerance

Question 26: Do you feel confident in handling reports of sharing nudes and semi nudes?

92. *Yes.*

93. Recent feedback from ASCL members tells us confidence of DSLs has grown but this is not the case for all staff. Schools would benefit from ongoing training on this issue.

Question 27: Are you aware of UKCIS advice on sharing nudes and semi nudes?

94. Yes.

95. ASCL sits on the UKCIS Advisory Board and regularly signpost our members to UKCIS resources. In addition to this advice we need to build teacher knowledge to adopt a whole school approach to supporting children and young people understand about consent and have the confidence to disclose harmful behaviours.

96. Schools and colleges also require guidance on working in partnership with parents.

Question 28: What further information would you find helpful in your DSL role to help you understand better how to manage reports of sharing nudes and semi nudes?

97. Easy access to recent research on image based sexual harassment and abuse that shares updates on the language we use when discussing these online harms with children and young people.

98. Access to recent and relatable 'what works' evidence that also provides practical advice for school staff. For example, research into combatting image-based sexual abuse suggests whole class assemblies on consent are not effective. Evidence also tells us that abstinence are unhelpful.

99. ASCL's Pastoral Conference 2022 highlighted the need for TRANSFORMATIVE JUSTICE approaches that take the time and space to work with 'perpetrators' in ways that are not only focused on punitive sanctions but support for them to challenge harmful (sexual) behaviour.

100. Through our work over the last year with schools and researchers from UCL, the need for TRAUMA-INFORMED responses to disclosures, and safeguarding has become increasingly apparent.

Question 29: Do you feel able to make informed decisions on which filtering and monitoring systems your school and college should use?

101. No.

102. Keeping up to date about the latest launch or best software or app is important. Again, DSL bulletins once a term would be useful to share information on software and apps that have been quality assured. This information could then be updated on the proposed DSL website.

D. Conclusion

103. ASCL believes the authority of the DSL is clearly articulated but there needs to be a fuller description of shared responsibilities across the whole school and college and the importance of a distributed leadership model in every setting.

104. The proposed changes to safer recruitment require further consideration and if adopted, a more detailed set of expectations for schools identified that schools can confidently adopt.
105. ASCL would like to see a universal training offer for school and college governors.
106. We believe the breadth and depth of safeguarding responsibilities are such that schools and colleges require clear protected time for impactful CPD at a whole school and college level. This whole school/college staff development must recognise the importance of a contextual and a trauma informed approach.
107. I hope that this response 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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