



## KCSIE 2022: changes and updates to the guidance

### Part 1: Safeguarding Information for All Staff

**Paragraph 19** – children may not feel ready or know how to tell someone they are being abused.

*Staff are reminded that children are not always ready or able to talk about their experiences of abuse and/or may not always recognise that they are being abused.*

**Paragraph 26** - Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse.

*New information has been added to explain the impact of domestic abuse including the potential short-term and long-term detrimental impact on children's health, wellbeing, and ability to learn if they are experiencing domestic abuse at home or within their own intimate relationships.*

### Part 2: Management of Safeguarding

*The importance that governors and proprietors properly support the DSL role has been given prominence by adding it to the main body of the guidance and includes an expectation that they should read the full DSL job description in Annex C.*

**Paragraph 81** - Governing bodies and proprietors should ensure that all governors and trustees receive appropriate safeguarding and child protection. Training should provide them with the knowledge to ensure their schools policies and procedures are effective.

*There is a new requirement for governors and trustees to receive safeguarding training at the point of induction to ensure their understanding of their important strategic role, as well as their legislative responsibilities, and those set out by their local multi-agency safeguarding arrangements, and that this is regularly updated.*

**Paragraph 82-93** –new information to link Human Rights Act, the Equality Act 2010, and the Public Sector Equality Act.

*The new sections make the link between these legal duties and safeguarding.*

**Paragraph 94** – Data Protection Act 2018 and the UK GDPR

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

**Paragraph 129-132** – opportunities to teach safeguarding.

*A focus on preventative education has been added, with a new paragraph about the importance of the setting's role in delivering an effective safeguarding curriculum which includes:*

*Healthy and respectful relationships.*

*Boundaries and consent.*

*Stereotyping, prejudice, and equality.*

*Body confidence and self-esteem.*

*How to recognise an abusive relationship, including coercive and controlling behaviour.*

*The concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, so called honour-based violence such as forced marriage and Female Genital Mutilation (FGM), and how to access support.*

*What constitutes sexual harassment and sexual violence and why these are always unacceptable.*

**Paragraph 139-141** – advice to provide schools to help keep children safe whilst learning remotely.

*Paragraph signposts to the NSPCC advice. Communication with parents should be used to reinforce the importance of children being safe online. Provides clarity on the role of governing bodies and proprietors.*

**Paragraph 152** – effective procedures in place for staff to report concerns or allegations that may meet the harm threshold.

*Governing bodies and proprietors should ensure there are procedures in place.*

**Paragraphs 156 and 157** –child-on-child abuse. All staff should recognise that children can abuse other children (including online) clear guidance on what your child protection policy should include in relation to child-on-child abuse such as:

*Procedures to minimise the risk of child-on-child abuse.*

*The systems in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously.*

*How allegations of child-on-child abuse will be recorded, investigated, and dealt with clear processes as to how victims, perpetrators and any other children affected by child-on-child abuse will be supported.*

*A recognition that even if there are no reported cases of child-on-child abuse, such abuse may still be taking place and is simply not being reported.*

*A statement which makes clear there should be a zero-tolerance approach to abuse, and it should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys” as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.*

*Recognition that it is more likely that girls will be victims and boys’ perpetrators, but that all child-on-child abuse is unacceptable and will be taken seriously.*

*The different forms child-on-child abuse can take.*

**Paragraph 182-186** – funding by the DFE for a significant training programme for senior mental health leads to help develop schools whole school approach to mental health.

*Training for senior mental health leads will be available to all state-funded schools and colleges by 2025, to help introduce or develop their whole school or college approach to mental health.*

**Paragraphs 195-197** – The role of the virtual school head was extended in June 2021, to include a non-statutory responsibility for the strategic oversight of the educational attendance, attainment, and progress of children with a social worker.

*The role of the virtual school head was extended in June 2021, to include a non-statutory responsibility for the strategic oversight of the educational attendance, attainment, and progress of children with a social worker.*

**Paragraphs 200-201** – consider additional pastoral support for children with SEND in relation to reports of abuse.

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

**Paragraph 205** – Information has been extended regarding schools and colleges ensuring children who may be LGBT have a trusted adult who they can be open with.

*There is a greater emphasis on risks for LGBTQ+ children. Staff are reminded that LGBTQ+ inclusion is part of the statutory relationship's education/relationships and sex education curriculum.*

## Part 3: Safer Recruitment

**Paragraph 215** – the need for application forms and not to accept a standalone Curriculum Vitae (CV)

*Regarding safer recruitment, the guidance clarifies that a curriculum vitae (CV) should only be accepted alongside a full application form. CVs on their own will not contain all the information required to support safer recruitment.*

**Paragraph 221** – In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates.

*The guidance now states that education settings should consider conducting online searches as part of their due diligence during the recruitment process. The stated aim of this is that it “may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at the interview.*

**Paragraph 271** – A terminology change. ‘Barred list check’ is changed to standalone children’s barred list check in the list of checks that the single central record must include.

**Paragraph 344** – Regarding the processes that governing bodies and proprietors should ensure that they have processes in place for continuous vigilance (maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour) a sentence has been added.

*It is important that all staff understand the process and procedures to follow if they have a safeguarding concern about another staff member.*

## Part 4: Safeguarding concerns and allegations made about staff, including supply teachers, volunteers, and contractors

**Paragraph 370- 373**-further details given regarding the role of the LADO.

*The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The LADO’s role is not to investigate the*

*allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, local authority children's social care, the school or college, or a combination of these.*

**Paragraph 426-439** – further information in relation to what might constitute a low-level concern, when, what, how to share and record.

*The guidance now makes clear that schools and colleges can choose to whom low-level concerns about staff are reported to, so long as it is clear in their policies. All staff should be aware of how to handle low-level concerns, allegations against staff and whistleblowing, with KCSIE 2022 being clear that this information should be contained in the staff behaviour policy (also known as the code of conduct).*

## Part 5: Child-on-child sexual violence and sexual harassment

*The DfE Sexual Violence and Sexual Harassment guidance has been incorporated into KCSIE 2022, and therefore will be withdrawn in September 2022. It is helpful that the information is all in one place, and therefore easier for staff to access, although it does mean that there has been a substantial increase to the length of the KCSIE guidance. This also means that what was non-statutory guidance becomes statutory.*

*Terminology throughout KCSIE 2022 has changed from peer-on-peer abuse to child-on-child abuse. This is a welcome change as the term peer-on-peer abuse suggests the abuse is between children of a similar age which is not always the case.*

**Paragraph 447** – zero tolerance approach to sexual violence and sexual harassment, recognising and challenging.

*Making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it.*

*Recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported.*

*Challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts, and genitalia, pulling down trousers, flicking bras and lifting skirts. Dismissing or tolerating such behaviours risks normalising them.*

**Paragraphs 455-459** – Harmful sexual behaviour (HSB) additional information and considering this in a child protection context. Preventing abuse by knowing what local resources and specialist support are available to you.

*Children’s sexual behaviour exists on a wide continuum, ranging from normal and developmentally expected to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage.*

**Paragraph 469** – Added paragraph to highlight the importance of ensuring children understand the law on child-on-child abuse is there to protect them rather than criminalise them.

*it is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.*

**Paragraph 471-476** – staff should never promise confidentiality in these cases and if school make a referral against the victims wishes then appropriate specialist support should be offered.

*The school or college should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.*

**Paragraphs 477-479** – Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately.

*Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims’ identities.*

**Paragraph 483** -Added bullet point to emphasise the importance of understanding intra familial harms and any necessary support for siblings following incidents.

**Paragraph 534** – Schools should remain alert to the possible challenges of detecting those signs of trauma, physical and emotional responses, or no overt signs at all.

*children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt signs at all. Schools should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g., about attendance in lessons) irrespective of how overt the child’s distress is.*

**Paragraph 544-546– Discipline and the alleged perpetrator.**

*Disciplinary action can be taken whilst other investigations by the police and/or local authority children’s social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly.*

**Paragraphs 547 – 552 – working with parents and Carers.**

*The school or college will, in most instances not all, engage with both the victim’s and the alleged perpetrator’s parents or carers when there has been a report of sexual violence.*

**Paragraphs 553-557– Safeguarding other children.**

*Consideration should be given to supporting children (and adult students) who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required.*

**Paragraphs 558- A whole school/college approach to safeguarding.**

*it is important that schools and colleges keep their policies, processes, and curriculum under constant review to protect all their children. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed by updating relevant policies, processes, or relevant parts of the curriculum. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it would be good practice to share emerging trends with safeguarding partners.*

**Annex B: Further Information**

*In annex B there is increased emphasis on staff being able to identify the indicators of serious youth violence including reducing attendance, changes in friendship groups and performance concerns. Education settings are encouraged to reach out to their local Violence Reduction Unit.*

**Annex C: Role of the designated safeguarding lead.**

*A key change is in Annex C, where a statement has been added which requires the DSL to be aware of the role of the appropriate adult. The DSL must liaise with the headteacher or principal to inform him or her of issues- especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations. This should include being aware of the requirement for children to have an Appropriate Adult. Further information can be found in the Statutory guidance - PACE Code C 2019.*

*The role of the DSL has been moved entirely into Annex C to provide clarity and reinforce the responsibility of the role. It is expected that Governors read this in full.*