

Safeguarding in educational establishments



Keeping students safe in education is a vitally important duty. This includes protecting them from abuse, neglect and exploitation. Given the high profile of recent cases, investigations into historic abuse and intense public scrutiny, it is no surprise that safeguarding remains a significant concern for schools, colleges and nurseries.

Central to this, are the staff who need to play an essential role in protecting students. They have regular contact with them so are in a strong position to identify signs of abuse and neglect.

It can be a challenging area to get right. This is not just because effective strategies are dependent on fostering a safe, trusting and supportive culture, but also, the nature of abuse and awareness of it is constantly evolving. For example, advances in and accessibility to technology coupled with the normalisation of social media platforms has increased the potential for abuse.

It's essential that safeguarding practices keep pace with such changes. This calls for strong leadership, empowered staff who are properly trained and an environment where people feel confident in reporting any concern. To support this, robust safeguarding procedures are key. Obviously, these should provide the necessary framework and detailed arrangements to maintain a safe environment. Ensuring that these arrangements are adequately implemented to reflect current statutory guidance and best practice is an essential first-step.

Forms of abuse

Abuse can take many forms including:

- physical – such as assault or inappropriate physical sanctions
- sexual – examples include sexual assault or other non-consensual acts
- psychological – including emotional abuse, threats of harm or abandonment and harassment
- neglect and acts of omission – examples include failure to provide access to appropriate care or educational services
- discriminatory – including discrimination on grounds of race, gender, gender identity, disability, sexual orientation and religion.

Child abuse - definition

*“A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.”**

**Working Together to Safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children, DoE, July 2018*

Legal requirements

As you would expect, there is a detailed legal framework aimed at protecting students. At first glance, this can appear complex. Examples of key legal requirements are set out in the Children's Acts of 1989 (this provides the legislative framework for child protection in England); the Children's Act 2004 (which strengthens the 1989 Act); and the Education Act 2002 (which includes a provision requiring school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of children).

Educational establishments are also subject to a range of statutory guidance. This includes Working Together to Safeguard Children, Keeping Children Safe in Education and the Early Years Foundation Stage Framework. They are regulated either by the Office for Standards in Education, Children's Services and Skills (Ofsted) for maintained schools, free schools, academies and non-association independent schools, or for private schools, the Independent Schools Inspectorate (ISI).

Managing safeguarding

Some of the key elements of an effective approach to managing safeguarding include:

Leading from the front

It is important that governors and senior leadership teams promote a culture where safeguarding is taken seriously. They should acknowledge that ultimate responsibility for safeguarding rests with them and that this is part of their duty of care to their students.

This can be evidenced by a public commitment from the governors or leadership team to the importance of safeguarding and promoting the welfare of students, including lines of accountability within the organisation.

All leadership teams should be able to provide evidence that adequate safeguarding arrangements are in place and rigorously followed. Any policy should be approved and endorsed by the senior management team or board of governors and reviewed by them where things change.

As some schools are registered as charities, they will also fall under the remit of the Charity Commission. The Charity Commission says safeguarding should be a key governance priority. Any failure by trustees to manage safeguarding risks adequately would be of serious regulatory concern to them. They may consider this to be misconduct and/or mismanagement in the administration of the charity and it may also be a breach of trustee duty. Further information is available at: www.gov.uk/guidance/safeguarding-duties-for-charity-trustees.

Setting out your policy

Setting out how students will be kept safe is important. Usually, this will be in the form of a written safeguarding policy.

This document should not only highlight the school's commitment to protect students in the form of a statement, but also detail the arrangements and responsibilities for doing this. It should link to any other supporting procedures (e.g. those relating to bullying, whistle blowing, acceptable behaviour, radicalisation, e-safety etc.), as well as detailing how any concerns will be dealt with.

Each school must have its own safeguarding policy. Academy groups may have an overarching policy but this must be adapted at a local level. The policy should be specific to each setting, being clearly and concisely written. It should be dated and signed by the most senior person (e.g. Chair of Governors). It will need to be reviewed annually and revised (if required) by senior management as often as necessary, or where there are organisational, legal or other changes.

The policy should include clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced on staff training and codes of conduct. For information on this see www.gov.uk/government/publications/sir-robert-francis-freedom-to-speak-up-review.

Getting specialist help

It's important for any organisation to have access to appropriate advice, guidance and expertise on safeguarding matters.

Governing bodies, proprietors and management committees should ensure an appropriate senior member of staff, from the school or college leadership team, is appointed to the role of designated safeguarding lead. They will be responsible for taking the lead on all matters of safeguarding and child protection (including online safety). This should be explicit in the role holder's job description. This person should have the appropriate status and authority within the school to carry out the duties of the post and should be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters. They should hold a Designated Safeguarding Lead training qualification.

In addition to this, it may be necessary to put arrangements in place for sourcing external help or support where this is needed. Where this is the case, the arrangements should set out suitable procedures for assessing the competency of any external providers. These procedures may require that competency is demonstrable through membership of a professional body or recognised training.

Organisations such as the National Society for the Prevention of Cruelty to Children (NSPCC) are able to provide specialist help on all safeguarding matters. They have a range of consultancy and training services as well as guides, tools and templates. Further information is available at <https://learning.nspcc.org.uk/safeguarding-child-protection/>.

Identifying critical roles and risk assessment

The wide diversity of educational establishments makes it very difficult to design a 'one-size fits all' approach to safeguarding standards. The needs and capacity of a small, recently established free school, supported by non-qualified teachers and volunteers, is very different from those of a well-established national organisation with many paid staff.

Arrangements should be in place to ensure that the physical risks associated with the activities undertaken by the children, young people and vulnerable adults are identified and managed. Each school's risk assessments and procedures should be adapted to the type of activities undertaken and any particular vulnerabilities; for example disabled children who may be at increased risk of abuse due to their age and dependence on adults.

Implementing safer recruitment practices

Effective recruitment procedures demonstrate to staff, volunteers and those interested in working in any educational establishment, the importance given to the safety and wellbeing of students.

Governing bodies and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence, including criminal record checks (Disclosure and Barring Service (DBS) checks), barred list checks and prohibition checks, together with references and interviews. The Protection of Freedoms Act 2012 sets out the permissions for obtaining DBS checks for 'regulated persons'. Section 7 of the Safeguarding Vulnerable Groups Act 2006, states that 'If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity'. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

Schools and colleges must maintain a single central record of pre-appointment checks. The single central record must cover the following people

- all staff, including teacher trainees on salaried routes, and supply staff who work at the school. In colleges, this means those providing education to children
- for independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.

DBS checks can be checked on line using the continuous updating facility at www.gov.uk/dbs-update-service.

Where the school is a registered charity, the Charity Commission takes the view that whenever there is a legal entitlement to obtain a DBS check in respect of a trustee, a check should be carried out. This goes beyond circumstances where the trustee comes into contact with children.

The induction process should include safeguarding training appropriate to the role. The organisation should provide a code of conduct describing standards of behaviour required of staff in order to fulfil their roles. This code should assist in the protection of students, members of staff and volunteers. Written confirmation should be retained showing that any new recruit has received, understood and will comply with the safeguarding policy and procedures.

Providing training and information

All staff need to attend relevant safeguarding training to give them the knowledge and skills to recognise signs of abuse, neglect or inappropriate behaviour and be confident in responding to any concerns raised.

Governors, staff and volunteers need to learn about child protection and adult safeguarding in accordance with and as appropriate to their roles and responsibilities. This may include emerging issues such as e-Safety, domestic violence, forced marriage, female genital mutilation, children who live away from home or go missing, child sexual exploitation, race and racism and extremism.

As mentioned previously, staff who are the designated lead for safeguarding should attend more advanced training. This is because they are responsible for taking appropriate action to safeguard children and making referrals to other agencies.

Statutory guidance provides further detail on the training and information that needs to be provided.



Monitoring and reviewing your practices

Any safeguarding policy should be reviewed at least annually, or whenever regulatory or other changes occur. Revisions or amendments should be made once arrangements have been made to implement them and then effectively communicated to staff and others.

All safeguarding arrangements should be kept under close and regular review. Prompt action should be taken as a consequence of any safeguarding issues that arise and conclusions drawn. Some educational establishments may seek assistance from external safeguarding specialists to review policies and procedures.

Inspections by OFSTED or ISI, the Charity Commission or their regional equivalents provide senior management teams and others with an independent compliance assessment with statutory guidance. It is worth bearing in mind that such reports are public information.

Keeping appropriate documentation

Clear and accurate records are a necessity, particularly where referrals have to be made to a child protection or adult safeguarding agency because someone may be at risk of abuse or in need. Other records may also be needed where an organisation is called upon to prove that they were compliant with regulations and guidance at the time of an alleged safeguarding incident.

As such, a document retention policy should be in place. This should specify the documents to be kept, the periods for which they need to be retained and the security arrangements required for their safe storage and disposal.

'Respect for your private and family life' is seen as a fundamental right of the Human Rights Act (Article 8). This includes a stipulation that personal information should be kept securely and should not be shared without consent, except in special circumstances.

The recent amendment to data protection regulations (known as GDPR 2018) places greater emphasis on the need to justify the rationale for retaining personal information. Organisations will remain compliant as long as they are able to demonstrate why it is necessary to keep this information for safeguarding purposes and can demonstrate a lawful basis for holding this information. Further information is available at <https://ico.org.uk/for-organisations>.

Useful references

These include:

- Keeping children safe in education: Statutory guidance for schools and colleges, DoE, available at www.gov.uk/government/publications/keeping-children-safe-in-education--2
- Keeping children safe in education: Statutory guidance for schools and colleges, Part 1: Information for all school and college staff, DoE, available at www.gov.uk/government/publications/keeping-children-safe-in-education--2
- Statutory framework for the early year's foundation stage: Setting the standards for learning, development and care for children from birth to five, DoE, available at www.gov.uk/government/publications/early-years-foundation-stage-framework--2.

Need to contact us?

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