



Safeguarding Children in Education 2023

NCC & NSCP KCSiE 2023 ‘Key changes and points of revision, which schools should consider within their individual Child Protection Policy and ‘safeguarding arrangements’

The Department for Education published KCSiE 2023 on the 6th June 2023, which I circulated via email to all schools and to Governors through Governor Services and Governor Hub the electronic link is here: [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114111/Keeping-children-safe-in-education-2023.pdf). KCSiE 2023 become statutory guidance from 1st September 2023

Please note: This guidance applies to all schools and colleges and is for:

- headteachers, teachers and staff
- governing bodies, proprietors, and management committees

It sets out the legal duties you must follow to safeguard and promote the welfare of children and young people under the age of 18 in schools and colleges.

All school and college staff should read at least Part One of this guidance, but we advise staff should read other sections including Part Five and Annex B. The DfE have also provided KCSiE 2023 Part One as a standalone document.

Statutory guidance sets out what schools **must** do to comply with the law. Where the guidance states schools and colleges **should** do something, you should follow this unless you have a good reason not to.

Annex F informs of the Substantive Changes included in KCSiE 2023 and can be found on pages 177 and 178.

Key revisions include three additional paragraphs regarding:

1. Filtering and monitoring This is a repeated theme throughout the document. Mentions of the importance of all staff having ‘an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring’ are spread across the document. The school’s approach to online safety, including appropriate filtering and monitoring on school devices and school networks should be reflected in their Child Protection Policy which should include awareness of the ease of access to mobile phone networks see (Paragraph 138). It is reasserted that the DSL has the lead responsibility in this area. Also, in paragraph 141 informs ‘Governing bodies and proprietors should consider the number of and age range of children, those who are potentially at greater risk of harm and how often they access the IT system along with the proportionality of costs versus safeguarding risks.’ It is only in the new paragraph 142 linked to the PREVENT duty that we are provided with any detail about what is meant by this and a link to the DfE [filtering and monitoring standards](#) which set out that schools and colleges should:

- Identify and assign roles and responsibilities to manage filtering and monitoring systems.
- Review filtering and monitoring provision at least annually.
- Block harmful and inappropriate content without unreasonably impacting teaching and learning.
- Have effective monitoring strategies in place that meet their safeguarding needs.

There are also links to the additional guidance on filtering and monitoring from the [UK Safer Internet Centre](#) and their related [toolkit](#).

There is also a reminder of the importance of meeting cyber security standards for schools. Further, governing bodies and proprietors should review the standards and discuss with IT staff and service providers what more needs to be done to support schools in meeting this standard.

2. Retention of documents Paragraph 276 helps to clarify that copies of documents used to verify a successful candidate's identity, right to work and required qualifications should be kept on their personnel file. But copies of DBS certificates and records of criminal information disclosed by a candidate are covered by UK GDPR/DPA 2018.

To comply with the requirements of the Data Protection Act 2018, when schools choose to retain a copy, there should be a valid reason for doing so and it should not be kept for longer than six months. When the information is destroyed a school may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to. It goes on to emphasise that schools **do not have** to keep copies of DBS certificates, to fulfil the duty of maintaining the single central record.

3. Use of school sites by outside organisations There is a new heading, '*Use of school sites by outside organisations*' (para 377) in Part 4 on raising concerns and managing allegations. This confirms schools' safeguarding responsibilities when they receive an allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools should follow their safeguarding policies and procedures, including those provided by Nottinghamshire Safeguarding Children Partnership (NSCP) in informing the LADO.

There are a few other minor but still very relevant changes which include:-

- The word 'students' has been added after the word pupils in various places. This is to act as a reminder for sixth form colleges and other further education providers that KCSIE applies to them as stated in the introduction. Regardless of the language used to describe them- students, pupil, child, young person- makes clear all those under 18 are children and entitled to the rights and protections of a child.
- Where a child receiving elective home education has an EHCP, the LA need to review the plan working with the parents and carers.
- The section on the additional safeguarding vulnerabilities of children with SEND, provides a reminder that the SEND Code of Practice is a source of information and support is available from specialist organisations including SENDIASS.
- Paragraph 89 clarifies that provision within the Equality Act and includes reasonable adjustments for disabled children and young people.
- There is a change from children 'Missing from education' to children 'who are absent from education.' There is an emphasis on the safeguarding risks for those missing from education, particularly on repeat occasions and/or for prolonged periods (paragraph 99 and 175). It informs a robust response is needed to address persistently absent pupils as they are at risk of abuse and becoming a child missing education in the future and particularly relevant for children known to social care. The

links for further support are now include the [Working together to improve school attendance](#) guidance.

- In Part Three - on safer recruitment, the section on the need for Ongoing vigilance (paragraph 343) is explicitly extended to include all staff and a culture which considers matters inside and outside the workplace, including online.
- In Part Five - provides links to guidance on [suspensions and permanent exclusions](#) and it is made explicit that teachers can sanction pupils (paragraph 542). This is picked up in the following section which was called 'Discipline and the Alleged perpetrator(s)' is now entitled 'Sanctions and the alleged perpetrator(s).'
- In Annexe B informs of the link between mental health, school attendance and progress.
- The section on PREVENT includes a language change. Referrals to Channel are for those who are susceptible rather than vulnerable to radicalisation and being at risk of being drawn into terrorism. Referrals to Channel require the individual's consent.
- The section on Forced marriage reflects the law change that came into force in February 2023. This made it a crime to carry out any conduct where the purpose is to cause a child to marry before their eighteenth birthday, even if violence, threats, or another form of coercion are not used. As with the existing forced marriage law, this applies to non-binding, unofficial 'marriages' as well as legal marriages.

The DfE have also chosen to use the term '**must**' in more areas and put more clarity and resources around key areas of safeguarding including behaviour.

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