



Department  
for Education

# **Keeping children safe in education 2023**

**Statutory guidance for schools and  
colleges**

**1 September 2023**

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## Summary

### What is the status of this guidance

This is statutory guidance from the Department for Education ('the Department') issued under Section 175 of the Education Act 2002 (as amended), the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015 and the Apprenticeships, Skills, Children and Learning Act 2009 (as amended). Schools and colleges in England **must** have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of this guidance children includes everyone under the age of 18.

### About this guidance

We use the terms "**must**" and "**should**" throughout the guidance. We use the term "**must**" when the person in question is legally required to do something and "**should**" when the advice set out should be followed unless there is good reason not to. The guidance **should** be read alongside:

- statutory guidance [Working Together to Safeguard Children](#), and
- departmental advice [What to do if you're worried a child is being abused: advice for practitioners](#)

#### Unless otherwise specified:

- '**school**' means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools<sup>1</sup> and pupil referral units.
- '**college**' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as

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<sup>1</sup> The [Early Years Foundation Stage Framework](#) (EYFS) is mandatory for all early years' providers. It applies to all schools, including maintained nursery schools that have early years provision. Maintained nursery schools, like the other schools listed under 'About this guidance', must have regard to Keeping children safe in education when carrying out duties to safeguard and promote the welfare of children (by virtue of section 175(2) of the Education Act 2002 – see footnote 19 for further detail on this requirement).

being within the further education sector<sup>2</sup>. College also means providers of post-16 Education as set out in the Apprenticeships, Skills, Children and Learning Act 2009 (as amended)<sup>3</sup>: 16-19 Academies, Special Post-16 institutions and

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Independent Training Providers. For colleges, the guidance relates to their responsibilities towards children who are receiving education or training at these institutions.

## Victims and alleged perpetrator(s)

For the purposes of this guidance, we, in places, use the term '**victim**'. It is a widely recognised and understood term. It is important that schools and colleges recognise that not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this advice, we, in places, use the term '**alleged perpetrator(s)**' and where appropriate '**perpetrator(s)**'. These are widely used and recognised terms and the most appropriate to aid effective drafting of guidance. However, schools and colleges should think very carefully about terminology, especially when speaking in front of children, not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well. As above, the use of appropriate terminology will be for schools and colleges to determine, as appropriate, on a case-by-case basis.

## Who is this guidance for?

**This statutory guidance should be read and followed by:**

- governing bodies of maintained schools (including maintained nursery schools) and colleges which includes providers of post-16 Education as set out in the Apprenticeships, Skills, Children and Learning Act 2009 (as amended): 16-19 Academies, Special Post-16 institutions and Independent Training Providers
- proprietors of independent schools (including academies, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust

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<sup>2</sup> Under section 28 of the Further and Higher Education Act 1992 ('designated institutions').

<sup>3</sup> [Apprenticeships, Skills, Children and Learning Act 2009 \(as amended\)](#)

- management committees of pupil referral units (PRUs), and
- senior leadership teams

Throughout the guidance, reference to '**governing bodies and proprietors**' includes management committees unless otherwise stated.

## School and college staff

It is essential that **everybody** working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children read **at least** Part one of this guidance.

Governing bodies and proprietors, working with their senior leadership teams and especially their designated safeguarding lead, should ensure that those staff who do not work directly with children read either Part one or Annex A (a condensed version of Part one) of this guidance. This is entirely a matter for the school or college and will be based on their assessment of which guidance will be most effective for their staff to safeguard and promote the welfare of children.

Governing bodies and proprietors should ensure that mechanisms are in place to assist staff to understand and discharge their roles and responsibilities as set out in Part one (or Annex A if appropriate) of this guidance.

## What does this guidance replace?

This guidance replaces Keeping children safe in education 2022. A table of substantive changes is included at Annex F.

# Part one: Safeguarding information for all staff

## What school and college staff should know and do

### A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance Working Together to Safeguard Children.
2. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the **best interests** of the child.
3. No single practitioner can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information, and taking prompt action.
4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
  - protecting children from maltreatment
  - preventing the impairment of children's mental and physical health or development
  - ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
  - taking action to enable all children to have the best outcomes.
5. 'Children' includes everyone under the age of 18.

### The role of school and college staff

6. School and college staff are particularly important, as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating.
7. **All** staff have a responsibility to provide a safe environment in which children can learn.

8. **All** staff should be prepared to identify children who may benefit from early help<sup>3</sup>. Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.
9. **Any staff member** who has **any** concerns about a child's welfare should follow the processes set out in paragraphs 51-67. Staff should expect to support social workers and other agencies following any referral.
10. **Every** school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as local authority children's social care.
11. The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.
12. The Teachers' Standards 2012 state that teachers (which includes headteachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties<sup>5</sup>.

## What school and college staff need to know

13. **All** staff should be aware of systems within their school or college which support safeguarding, and these should be explained to them as part of staff induction. This should include the:
- child protection policy (which should amongst other things also include the policy and procedures to deal with child-on-child abuse)
  - behaviour policy (which should include measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying)<sup>4</sup>
  - staff behaviour policy (sometimes called a code of conduct) should amongst other things, include low-level concerns, allegations against staff and whistleblowing
  - safeguarding response to children who are absent from education, particularly on repeat occasions and/or prolonged periods and

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<sup>3</sup> Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>5</sup> The [Teachers' Standards](#) apply to: trainees working towards QTS; all teachers completing their statutory induction period (newly qualified teachers [NQTs]); and teachers in maintained schools, including maintained special schools, who are subject to the Education (School Teachers' Appraisal) (England) Regulations 2012.

<sup>4</sup> All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy it should be provided to staff as described above.

- role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

Copies of policies and a copy of Part one (or Annex A, if appropriate) of this document should be provided to **all** staff at induction.

14. **All** staff should receive appropriate safeguarding and child protection training (including online safety which, amongst other things, includes an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring – see para 141 for further information) at induction. The training should be regularly updated. In addition, **all** staff should receive safeguarding and child protection (including online safety) updates (for example, via email, e-bulletins, and staff meetings), as required, and at least annually, to continue to provide them with relevant skills and knowledge to safeguard children effectively.

15. **All** staff should be aware of their local early help process and understand their role in it.

16. **All** staff should be aware of the process for making referrals to local authority children's social care and for statutory assessments<sup>5</sup> under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.

17. **All** staff should know what to do if a child tells them they are being abused, exploited, or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and local authority children's social care. Staff should never promise a child that they will not tell anyone about a report of any form of abuse, as this may ultimately not be in the best interests of the child.

18. **All** staff should be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting **any** form of abuse and/or neglect. Nor should a victim ever be made to feel ashamed for making a report.

19. **All staff** should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or are being threatened. This could be due to their vulnerability, disability

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<sup>5</sup> Detailed information on statutory assessments can be found in Chapter 1 of [Working Together to Safeguard Children](#)



and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the designated safeguarding lead if they have concerns about a child. It is also important that staff determine how best to build trusted relationships which facilitate communication with children and young people.

## What school and college staff should look out for

### Early help

20. **Any** child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:

- is disabled or has certain health conditions and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care plan)
- has a mental health need
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups or county lines
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking, sexual or criminal exploitation
- is at risk of being radicalised or exploited
- has a family member in prison, or is affected by parental offending
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing alcohol and other drugs themselves
- has returned home to their family from care
- is at risk of so-called 'honour'-based abuse such as Female Genital Mutilation or Forced Marriage
- is a privately fostered child, or
- is persistently absent from education, including persistent absences for part of the school day.

### Abuse and neglect

21. **All** staff should be aware of indicators of abuse and neglect (see below), understanding that children can be at risk of harm inside and outside of the school/college, inside and outside of home, and online. Exercising professional curiosity

and knowing what to look for is vital for the early identification of abuse and neglect so that staff are able to identify cases of children who may be in need of help or protection.

22. **All** school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events and cannot be covered by one definition or one label alone. In most cases, multiple issues will overlap with one another.

23. **All** staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual abuse (including harassment and exploitation), domestic abuse in their own intimate relationships (teenage relationship abuse), criminal exploitation, serious youth violence, county lines, and radicalisation.

24. **All** staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse and other risks online as well as face to face. In many cases abuse and other risks will take place concurrently both online and offline. Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content.

25. **In all cases, if staff are unsure, they should always speak to the designated safeguarding lead or a deputy.**

### Indicators of abuse and neglect

26. **Abuse:** 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. 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. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

27. **Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

28. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child

opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

29. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education and **all** staff should be aware of it and of their school or college's policy and procedures for dealing with it.

30. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## Safeguarding issues

31. **All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and/or alcohol misuse, deliberately missing education, serious violence (including that linked to county lines), radicalisation and consensual and non-consensual sharing of nude and semi-nude

images and/or videos<sup>6</sup> can be signs that children are at risk. Below are some safeguarding issues all staff should be aware of. **Additional information on these safeguarding issues and information on other safeguarding issues is included in Annex B.**

### Child-on-child abuse

32. **All** staff should be aware that children can abuse other children (often referred to as child-on-child abuse), and that it can happen both inside and outside of school or college and online. **All** staff should be clear as to the school or college's policy and procedures with regard to child-on-child abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.
33. **All** staff should understand that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have **any** concerns regarding child-on-child abuse they should speak to their designated safeguarding lead (or a deputy).
34. It is essential that **all** staff understand the importance of challenging inappropriate behaviours between children, many of which are listed below, that are abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as "just banter", "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.
35. Child-on-child abuse is most likely to include, but may not be limited to:
  - bullying (including cyberbullying, prejudice-based and discriminatory bullying)
  - abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')
  - physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)

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<sup>6</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive. [UKCIS](#) provides detailed advice about sharing of nudes and semi-nude images and videos.

- sexual violence<sup>7</sup> such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence)

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- sexual harassment<sup>8</sup> such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
  - causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
  - consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>11</sup> (also known as sexting or youth produced sexual imagery)
  - upskirting<sup>12</sup> which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, and
  - initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

### **Child Criminal Exploitation (CCE) and Child Sexual Exploitation (CSE)**

36. Both CCE and CSE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

### **Child Criminal Exploitation (CCE)**

37. Some specific forms of CCE can include children being forced or manipulated into transporting drugs or money through county lines, working in cannabis factories, shoplifting, or pickpocketing. They can also be forced or manipulated into committing vehicle crime or threatening/committing serious violence to others.

38. Children can become trapped by this type of exploitation, as perpetrators can threaten victims (and their families) with violence or entrap and coerce them into debt.

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<sup>7</sup> For further information about sexual violence see Part 5 and Annex B.

<sup>8</sup> For further information about sexual harassment see Part 5 and Annex B. <sup>11</sup>

UKCIS guidance: [Sharing nudes and semi-nudes advice for education settings](#)

<sup>12</sup> For further information about 'upskirting' see Annex B.

They may be coerced into carrying weapons such as knives or begin to carry a knife for a sense of protection from harm from others. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims

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despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to.

39. It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

### **Child Sexual Exploitation (CSE)**

40. CSE is a form of child sexual abuse. Sexual abuse may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside clothing. It may include noncontact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

41. CSE can occur over time or be a one-off occurrence and may happen without the child's immediate knowledge for example through others sharing videos or images of them on social media.

42. CSE can affect any child who has been coerced into engaging in sexual activities. This includes 16- and 17-year-olds who can legally consent to have sex. Some children do not realise they are being exploited and may believe they are in a genuine romantic relationship.

### **Domestic Abuse**

43. Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, wellbeing, development, and ability to learn.

## Female Genital Mutilation (FGM)

44. Whilst **all** staff should speak to the designated safeguarding lead (or a deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific **legal duty on teachers**<sup>9</sup>. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher **must** report this to the police. See page 154 for further information.

## Mental Health

45. **All** staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect, or exploitation.

46. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. Schools and colleges can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies.

47. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken to follow their school or college's child protection policy, and by speaking to the designated safeguarding lead or a deputy.

## Serious violence

48. **All** staff should be aware of the indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include increased absence from school or college, a change in friendships or relationships with older individuals or groups, a significant decline in educational performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

## Additional information and support

49. Departmental advice [What to do if you're worried a child is being abused: advice for practitioners](#) provides more information on understanding and identifying abuse and neglect. Examples of potential indicators of abuse and neglect are highlighted throughout that advice and will be particularly helpful for school and college staff.

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<sup>9</sup> Under section 5B(11) (a) of the Female Genital Mutilation Act 2003, "teacher" means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).



The [NSPCC](#) website also provides useful additional information on abuse and neglect and what to look out for.

50. **Annex B contains important additional information about specific forms of**
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**abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read Annex B.**

## **What school and college staff should do if they have concerns about a child**

51. Staff working with children are advised to maintain an attitude of **‘it could happen here’** where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the **best interests** of the child.
52. If staff have **any concerns** about a child’s welfare, they should act on them **immediately**. See page 22 for a flow chart setting out the process for staff when they have concerns about a child.
53. If staff have a concern, they should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or deputy).
54. Options will then include:
- managing any support for the child internally via the school or college’s own pastoral support processes
  - undertaking an early help assessment<sup>10</sup> or
  - making a referral to statutory services<sup>11</sup> for example as the child could be in need, is in need, or is suffering, or likely to suffer harm.
55. The designated safeguarding lead (or deputy) should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local authority children’s social care. In

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<sup>10</sup> Further information on early help assessments, provision of early help services and accessing services is in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>11</sup> Chapter 1 of [Working Together to Safeguard Children](#) sets out that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children’s social care for assessment and for statutory services under section 17 and 47. Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children’s social care.



these circumstances, any action taken should be shared with the designated safeguarding lead (or a deputy) as soon as is practically possible.

56. Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe. They should be mindful

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that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children's social care (such as a child in need or a child with a protection plan). [Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR).

57. **DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare.** If in any doubt about sharing information, staff should speak to the designated safeguarding lead (or deputy). Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

## Early help assessment

58. If early help is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to local authority children's social care for assessment for statutory services if the child's situation does not appear to be improving or is getting worse.

## Statutory children's social care assessments and services

59. **Where a child is suffering, or is likely to suffer from harm, it is important that a referral to local authority children's social care (and if appropriate the police) is made immediately.** Referrals should follow the local referral process.
60. Local authority children's social care assessments should consider where children are being harmed in contexts outside of the home, so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and enable a contextual

approach to address such harm. Additional information is available here: [Contextual Safeguarding](#).

61. The online tool [Report child abuse to your local council](#) directs to the relevant local authority children's social care contact details.

### **Children in need**

62. A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

### **Children suffering or likely to suffer significant harm:**

63. Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment. This includes **all** forms of abuse and neglect.

### **What will the local authority do?**

64. Within one working day of a referral being made, a local authority social worker should acknowledge its receipt to the referrer and make a decision about the next steps and the type of response that is required. This will include determining whether:

- the child requires immediate protection and urgent action is required
- any services are required by the child and family and what type of services
- the child is in need and should be assessed under section 17 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process
- there is reasonable cause to suspect the child is suffering, or is likely to suffer significant harm, and whether enquiries must be made, and the child assessed under section 47 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process, and
- further specialist assessments are required to help the local authority to decide what further action to take.

65. The referrer should follow up if this information is not forthcoming.
66. If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the designated safeguarding lead (or a deputy) as required).
67. If, after a referral, the child's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child's situation improves.

## Record keeping

68. **All** concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. This will also help if/when responding to any complaints about the way a case has been handled by the school or college. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records **should** include:

- a clear and comprehensive summary of the concern
- details of how the concern was followed up and resolved, and
- a note of any action taken, decisions reached and the outcome.

69. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

## Why is all of this important?

70. It is important for children to receive the right help at the right time to address safeguarding risks, prevent issues escalating and to promote children's welfare. Research and local child safeguarding practice reviews have repeatedly shown the dangers of failing to take effective action<sup>12</sup>. Further information about local child safeguarding practice reviews can be found in [Working Together to Safeguard Children](#). Examples of poor practice include:

- failing to act on and refer the early signs of abuse and neglect
- poor record keeping
- failing to listen to the views of the child
- failing to re-assess concerns when situations do not improve
- not sharing information with the right people within and between agencies
- sharing information too slowly, and

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<sup>12</sup> An analysis of serious case reviews can be found at [gov.uk/government/publications/serious-casereviews-analysis-lessons-and-challenges](https://www.gov.uk/government/publications/serious-casereviews-analysis-lessons-and-challenges).

- a lack of challenge to those who appear not to be taking action.

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## What school and college staff should do if they have a safeguarding concern or an allegation about another staff member

71. Schools and colleges should have processes and procedures in place to manage **any** safeguarding concern or allegation (no matter how small) about staff members (including supply staff, volunteers, and contractors).

72. If staff have a safeguarding concern or an allegation of **harming or posing a risk of harm to children** is made about another member of staff (including supply staff, volunteers, and contractors), then:

- this should be referred to the headteacher or principal
- where there is a concern/allegation about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school, and
- in the event of a concern/allegation about the headteacher, where the headteacher is also the sole proprietor of an independent school, or a situation where there is a conflict of interest in reporting the matter to the headteacher, this should be reported directly to the local authority designated officer(s) (LADO). Details of your local LADO should be easily accessible on your local authority's website.

73. If staff have a safeguarding concern or an allegation about another member of staff (including supply staff, volunteers or contractors) that **does not** meet the harm threshold, then this should be shared in accordance with the school or college low-level concerns policy. Further details can be found in Part four of this guidance.

## What school or college staff should do if they have concerns about safeguarding practices within the school or college

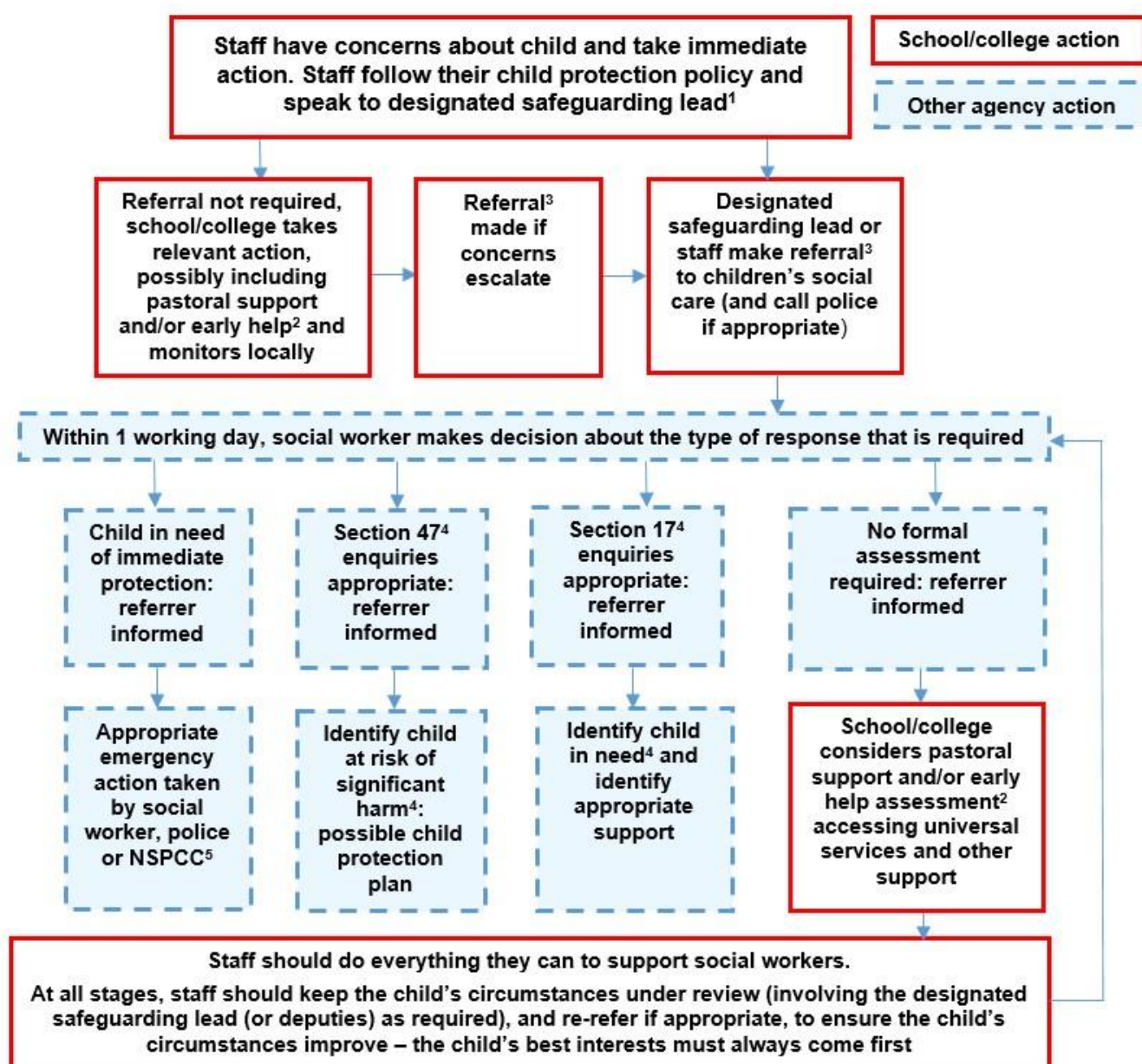
74. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college's safeguarding provision and know that such concerns will be taken seriously by the senior leadership team.

75. Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school or college's senior leadership team.

76. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- general guidance on whistleblowing can be found via: [Whistleblowing for employees](#)
- the [NSPCC Whistleblowing Advice Line](#) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 and the line is available from 08:00 to 20:00 Monday to Friday, and 09:00 to 18:00 at weekends. The email address is [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## Actions where there are concerns about a child



<sup>1</sup> In cases which also involve a concern or an allegation of abuse against a staff member, see Part four of this guidance.

<sup>2</sup> Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. See [Working Together to Safeguard Children](#) for further guidance

<sup>3</sup> Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

<sup>4</sup> Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

<sup>5</sup> This could include applying for an Emergency Protection Order (EPO).



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

353. Schools and colleges should have their own procedures for dealing with safeguarding concerns or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, i.e. members of staff, including supply teachers, volunteers and contractors.

354. This part of the guidance has two sections covering the two levels of concerns and allegations:

1. Concerns / allegations that **may** meet the harm threshold.
2. Concerns / allegations that **do not** meet the harm threshold – referred to for the purposes of this guidance as 'low-level concerns'.

355. These procedures should be consistent with local safeguarding procedures and practice guidance.

### Section one: Concerns or allegations that may meet the harm threshold

356. This part of the guidance is about managing cases of concerns/allegations that might indicate a person would pose a risk of harm<sup>13</sup> if they continue to work in their present position, or in any capacity with children in a school or college. In this part (section one) of the guidance reference is made to '**allegation**' for ease. This part of the guidance should be followed where it is alleged that anyone working in the school or a college that provides education for persons under 18 years of age, including supply teachers, volunteers and contractors has:

- **behaved in a way that has harmed a child, or may have harmed a child and/or**
- **possibly committed a criminal offence against or related to a child, and/or**
- **behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or**
- **behaved or may have behaved in a way that indicates they may not be suitable to work with children.**

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<sup>13</sup> The harm test is explained in the Disclosure and Barring service [Guidance: Making barring referrals to the DBS](#) and [Section 31\(9\) of the Children Act 1989 as amended by the Adoption and Children Act 2002](#)

357. The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

358. Where appropriate, an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

359. It is important that policies and procedures make clear to whom allegations should be reported (as set out at paragraph 72) and that this should be done without delay. A “case manager” will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor.

## The initial response to an allegation

360. Where the school or college identifies that a child has been harmed, that there may be an immediate risk of harm to a child, or if the situation is an emergency, they should contact local authority children’s social care and as appropriate the police immediately as per the processes explained in Part one of this guidance.

361. There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** – the designated safeguarding lead (or deputy) is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children’s social care as described in Part one of this guidance.
- **Investigating and supporting the person subject to the allegation** – the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

362. When dealing with allegations, schools and colleges should:

- apply common sense and judgement
- deal with allegations quickly, fairly and consistently, and
- provide effective protection for the child and support the person subject to the allegation.

363. Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts and to help them determine whether there is any



foundation to the allegation, being careful not to jeopardise any future police investigation. For example whether:

- the individual in the school or college at the time of the allegations
- the individual did or could have come into contact with the child
- there any witnesses, and
- there is any CCTV footage

364. These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.
365. When to inform the individual of the allegation should be considered carefully on a case-by-case basis, with guidance as required from the LADO, and if appropriate local authority children's social care and the police.
366. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or local authority children's social care will be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, for example restraint, the strategy discussion<sup>14</sup> or initial evaluation with the LADO should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found at paragraphs 163165 in Part Two of this guidance and on [GOV.UK](#).
367. Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead (or deputy) and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to local authority children's social care.
368. Where it is clear that an investigation by the police or local authority children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

### **No further action**

369. Where the initial discussion leads to no further action, the case manager and the LADO should:

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<sup>14</sup> The purpose of a strategy discussion and those likely to be involved is described in Working Together to Safeguard Children

- record the decision and justification for it, and

- 
- agree on what information should be put in writing to the individual concerned and by whom.

### Further enquiries

370. Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The role of the LADO 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. In straightforward cases, the investigation should normally be undertaken by a senior member of the school or college's staff.

371. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate. Colleges, academies and independent schools should also ensure they secure the services of a person who is independent of the school or college.

372. The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Wherever possible, the first review should take place no later than four weeks after the initial assessment.

373. Dates for subsequent reviews, ideally at fortnightly (and no longer than monthly) intervals, should be set at the review meeting if the investigation continues.

### Supply teachers and all contracted staff

374. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

375. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. **In no circumstances** should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without

finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

376. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or local authority children's social care. The school or college will usually take the lead because agencies do not have direct access to children or other school or college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting, which is often arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are considered by the school or college during the investigation.

377. When using a supply agency, schools and colleges should inform the agency of the process for managing allegations but also take account of the agency's policies and the duty placed on agencies to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

### **Organisations or Individuals using school premises**

378. Schools and colleges may 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 and colleges should follow their safeguarding policies and procedures, including informing the LADO.

### **Governors**

379. If an allegation is made against a governor, schools and colleges should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

### **Suspension**

380. Suspension should not be an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The case manager **must** consider carefully whether the circumstances warrant suspension from

contact with children at the school or college, until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and local authority children's social care where they have been involved.

381. Where a school or sixth form college is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school or sixth form college, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the Teaching Regulation Agency (TRA) investigation, the individual **must not** carry out teaching work. School and colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

382. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school or college, based on consultation with the LADO who will provide relevant information received from the police or local authority children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case.

383. Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned
- providing an assistant to be present when the individual has contact with children
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interests of the child or children concerned and takes account of their views. It should be made clear that this is not a punishment and parents have been consulted, or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or where available, work for the local authority or academy trust.

384. These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that

can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

385. If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

386. Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

387. Local authority children's social care or the police may give their view to the LADO, but they cannot require the case manager to suspend a member of staff or remove a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the governing body or proprietor who are the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by local authority children's social care, and/or an investigation by the police, the LADO should canvass police and local authority children's social care for views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

## **Supporting those involved**

### **Duty of care**

388. The welfare of a child is paramount (how children should be protected and supported is set out throughout this guidance) and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject to the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

389. Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary

- advise the individual to contact their trade union representative, or a colleague for support
- appoint a named representative to keep the person informed about the progress of the case
- provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements, and
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

390. Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible<sup>15</sup>. The case manager should consult the LADO and where involved, local authority children's social care and/or the police, on what information can be disclosed
- kept informed about the progress of the case, only in relation to their child – no information can be shared regarding the staff member, and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

## Confidentiality and Information sharing

391. In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim, see paragraphs 115-123 in Part two about information sharing.
392. Where the police are involved, wherever possible the school or college should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.
393. Local authority children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in

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<sup>15</sup> In deciding what information is disclosed, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

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394. The school and college **must** make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school<sup>16</sup> who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).
395. The reporting restrictions apply until:
- the point that the accused person is charged with a relevant offence, or
  - the Secretary of State<sup>17</sup> or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.
396. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so.
397. The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.
398. In accordance with the [Authorised Professional Practice published by the College of Policing](#) in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect,

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<sup>16</sup> Section 141F of the Education Act 2002 only applies to teachers in schools does not apply to colleges.

<sup>17</sup> Carried out by the Teaching Regulation Agency.



they **must** apply to a magistrates' court to request that reporting restrictions be lifted.

399. The case manager should take advice from the LADO, the police and local authority children's social care to agree the following:

- 
- who needs to know and exactly what information can be shared
  - how to manage speculation, leaks and gossip
  - what, if any, information can be reasonably given to the wider community to reduce speculation and
  - how to manage press interest if, and when, it should arise.

## Allegation outcomes

400. The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence, or
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

401. Ultimately the options open to the school or college depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future.

## Following a substantiated allegation

402. If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services, or
- the employer ceases to use the person's services.

403. In the case of a member of teaching staff at any school, sixth form college, or 1619 academy, the case manager **must** consider whether to refer the matter to the TRA



to consider whether the individual should be prohibited from teaching (paragraph 351 for further information) <sup>18</sup>.

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404. There is a **legal requirement** for employers to make a referral<sup>19</sup> to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child (paragraph 348 for further information).

## Following a criminal investigation or a prosecution

405. The police should inform the LADO and the employer immediately when:
- a criminal investigation and any subsequent trial are complete
  - it is decided to close an investigation without charge, or
  - it is decided not to continue to prosecute after the person has been charged.
406. In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or local authority children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## Unsubstantiated, unfounded, false or malicious allegations

407. If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this was a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.
408. If an allegation is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

## Returning to work

409. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate

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<sup>18</sup> Teacher Regulation Agency – guidance on [Referrals to the TRA](#)

<sup>19</sup> Disclosure and Barring Service – guidance on [Referrals to the DBS](#).

that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a

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mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school or college.

## **Managing the situation and exit arrangements**

### **Resignations and 'settlement agreements'**

410. 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

411. Schools and colleges should not cease their investigations if the person leaves, resigns or ceases to provide their services. It is important that every effort is made to reach a conclusion in all cases of allegations with a bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

412. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

413. Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

414. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the

employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

415. Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met – see paragraph 348. Non-compliance of this duty is a criminal offence, or
- providing a reference to potential employers when requested, or
- considering whether to make a referral to the TRA where the criteria are met - see paragraph 351.

## Record keeping

416. Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations, i.e. substantiated, unfounded and unsubstantiated it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation
- details of how the allegation was followed up and resolved
- a note of any action taken, decisions reached, and the outcome i.e. substantiated, unfounded or unsubstantiated
- a copy provided to the person concerned, where agreed by local authority children's social care or the police, and
- a declaration on whether the information will be referred to in any future reference.

417. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

418. All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

419. The Information Commissioner has published guidance on employment records in its [Employment Practices Code and supplementary guidance](#), which provides some practical advice on record retention.

## References

420. Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraph 224 for further information on references. Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions.

## Learning lessons

421. Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's or college's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

422. For all other cases, where the allegation concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

## Non recent allegations

423. Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Nonrecent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with local authority children social care and the police. Abuse can be reported no matter how long ago it happened.

## Section Two: Concerns or allegations that do not meet the harm threshold

424. Governing bodies and proprietors should have policies and processes to deal with **any** concerns or allegations which **do not** meet the harm threshold, referred to in this guidance as 'low-level' concerns. It is important that schools and colleges have

appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

## Low-level concerns

425. As part of their whole school or college approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which **all** concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

426. Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- enable schools and colleges to identify inappropriate, problematic or concerning behaviour early
- minimise the risk of abuse, and
- ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

## What is a low-level concern?

427. The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children.

428. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

429. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

430. It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

### **Staff code of conduct and safeguarding policies**

431. As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding and child protection policies as set out in Part two of this guidance. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e., to create and embed a culture of openness, trust and transparency in which the school or college's values and expected behaviour set out in the staff code of conduct are lived, monitored and reinforced constantly by all staff.

432. As set out in Part two of this guidance, the governing body or proprietor should ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively and ensure that appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with **any** concerns.

433. Schools and colleges can achieve the purpose of their low-level concerns policy by:

- ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour, in themselves and others
- empowering staff to share any low-level safeguarding concerns (see below)
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- handling and responding to such concerns sensitively and proportionately when they are raised, and
- helping identify any weakness in the school or colleges safeguarding system.

## Sharing low-level concerns

434. Schools and colleges should ensure that their low-level concerns policy contains a procedure for sharing confidentially such concerns which is clear, easy to understand and implement. Whether all low-level concerns are shared initially with the DSL (or a nominated person (such as a values champion)), or with the headteacher/principal is a matter for the school or college to decide. If the former, then the DSL should inform the headteacher/principal of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern. The headteacher/principal should be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns and/or the role of the DSL in some schools/colleges, the headteacher/principal may wish to consult with the DSL and take a more collaborative decision-making approach.

435. Low-level concerns which are shared about supply staff and contractors should be notified to their employers, so that any potential patterns of inappropriate behaviour can be identified.

436. If schools and colleges are in any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their LADO.

437. Schools and colleges should ensure they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

## Recording low-level concerns

438. All low-level concerns should be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

439. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

440. Records should be reviewed so that potential patterns of inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a low level concern to meeting the harm threshold, in which case it should be referred to the LADO (as per Part four, Section one). Consideration should also be given to whether there are



wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

441. It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

## References

442. Part three of this guidance is clear that schools and colleges should only provide substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold in references. Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

## Responding to low-level concerns

443. The school or college low-level concerns policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/principal (or a nominated deputy) should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously, and
- to the individual involved and any witnesses.

444. The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. This information needs to be recorded in writing along with the rationale for their decisions and action taken.

445. A good low-level concerns policy will simply be a reflection and extension of the school or college's wider staff behaviour policy/code of conduct.

446. More detailed guidance and case studies on low-level concerns can be found in: Developing and implementing a low-level concerns policy: a guide for organisations which work with children ([farrer.co.uk](http://farrer.co.uk)).

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

447. This part of the statutory guidance is about how schools and colleges **should respond to all signs, reports and concerns** of child-on-child sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and/or online (what to look out for and indicators of abuse are set out in Part one of this guidance). As set out in Part one of this guidance, all staff working with



children are advised to maintain an attitude of '**it could happen here**', and this is especially important when considering child-on-child abuse.

## What schools and colleges should be aware of

448. Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable. Schools and colleges should be aware of the importance of:

- 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 up skirts. Dismissing or tolerating such behaviours risks normalising them

449. Children who are victims of sexual violence and sexual harassment wherever it happens, may find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

450. Whilst **any** report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys. Children with special educational needs and disabilities (SEND) are also three times more likely to be abused than their peers<sup>20</sup>.

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<sup>20</sup> Jones, L et al. (2012) Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. The Lancet July 2012. <sup>134</sup> [Sexual Offences Act 2003 \(Legislation.gov.uk\)](#).

451. Ultimately, it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.

## Sexual violence

452. It is important that schools and colleges are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it **can happen both inside and outside of school/college**. When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence.

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003<sup>134</sup> as described below:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (NOTE – Schools and colleges should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault).

**Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

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**What is consent?**<sup>21</sup> Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.

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<sup>21</sup> It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped or sexually assaulted in any way. Further information can be found at [Rape Crisis](#)

to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice<sup>22</sup>.

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16<sup>23</sup>
- sexual intercourse without consent is rape.

Further information about consent can be found here: [Rape Crisis England & Wales - Sexual consent](#)

## Sexual harassment

453. When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school or college. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

454. Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual “jokes” or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes. Schools and colleges should be considering when any of

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this crosses a line into sexual violence – it is important to talk to and consider the experience of the victim.

- displaying pictures, photos or drawings of a sexual nature

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<sup>22</sup> [PSHE Teaching about consent](#) from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

<sup>23</sup> It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

- upskirting (this is a criminal offence<sup>24</sup>), and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence<sup>25</sup>. It may include:
  - consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>26</sup>. Taking and sharing nude photographs of those aged under 18 is a criminal offence. [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) provides detailed advice for schools and colleges
  - sharing of unwanted explicit content
  - sexualised online bullying
  - unwanted sexual comments and messages, including, on social media
  - sexual exploitation; coercion and threats, and
  - coercing others into sharing images of themselves or performing acts they're not comfortable with online.

455. It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

## Harmful sexual behaviour

456. 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. A useful umbrella term is "harmful sexual behaviour" (HSB). The term has been widely adopted in child protection and is used in this advice. **HSB can occur online and/or face-to-face and can also occur simultaneously**

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**between the two.** HSB should be considered in a child protection context.

457. When considering HSB, both ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one

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<sup>24</sup> [The Voyeurism \(Offences\) Act 2019](#) which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism. The Act came into force on 12 April 2019.

<sup>25</sup> [Project deSHAME](#) from Childnet provides useful research, advice and resources regarding online sexual harassment.

<sup>26</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive.

of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature. Confidential specialist support and advice on HSB is available from the specialist sexual violence sector, and sources are listed in Annex B.

458. It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of HSB. This could form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school or college approach to safeguarding.

459. HSB **can**, in some cases, progress on a continuum<sup>27</sup>. Addressing inappropriate behaviour **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma<sup>28</sup>. It is important that they are offered appropriate support.

## Preventing abuse

460. Effective safeguarding practice is demonstrated when schools and colleges are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. It is important to prepare for this in advance and review this information on a regular basis to ensure it is up to date. As such:

- if required, the designated safeguarding lead (or deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the school or college's policies (especially the child protection policy) and responses, and
- the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required. Further information

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<sup>27</sup> [NSPCC and Research in Practice harmful sexual behaviour framework](#) discusses the continuum harmful behaviour can progress on (Hackett 2010 continuum model).

<sup>28</sup> [Hackett et al 2013](#) study of children and young people with harmful sexual behaviour suggests that two-thirds had experienced some kind of abuse or trauma.

on specialist support and interventions can be found in Annex B in the additional advice and support section under “sexual violence and sexual harassment”.

## Responding to reports of sexual violence and sexual harassment

461. Part two of this guidance is clear that systems should be 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.

462. Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Preplanning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#) (and as summarised in Part two of this guidance).

463. This part of the guidance does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every case. The guidance provides effective safeguarding practice and principles for schools and colleges to consider in their decision-making process.

464. Ultimately, any decisions are for the school or college to make on a case-by-case basis, with the designated safeguarding lead (or deputy) taking a leading role and using their professional judgement, supported by other agencies, such as local authority children’s social care and the police as required.

465. The guidance also provides case studies. These are not intended to offer a step-by-step guide, but to provide an indication of some of the various options that are available to respond to reports of sexual violence and sexual harassment.

## Support for schools and colleges

466. Schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment.

467. **Local authority children’s social care** and **the police** will be important partners where a crime might have been committed. Referrals to the police will often be a natural progression of making a referral to local authority children’s social care. The designated safeguarding lead (or deputy) should lead the school or college response and should be aware of the local process for referrals to children’s social care and making referrals to the police (also see the section “reporting to the police” on page 121 for further information). Schools and colleges may also find the following resources helpful:

- **National Crime Agency's CEOP Safety Centre:** The CEOP Safety Centre aims to keep children and young people safe from online sexual abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors.
- **The NSPCC** provides a helpline for professionals at 0808 800 5000 and [help@nspcc.org.uk](mailto:help@nspcc.org.uk). The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies)
- Support from **specialist sexual violence sector organisations** such as [Rape Crisis](#) or [The Survivors Trust](#)
- **The Anti-Bullying Alliance** has developed guidance for schools about [Sexual and sexist bullying](#).

**Online:** Schools and colleges should recognise that sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that leads to repeat victimisation. Online concerns can be especially complicated and support is available from:

- **The UK Safer Internet Centre** provides an online safety helpline for professionals at 0344 381 4772 and [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk). The helpline provides expert advice and support for school and college staff with regard to online safety issues
- **Internet Watch Foundation:** If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the [Internet Watch Foundation](#) (IWF)
- **Childline/IWF [Report Remove](#)** is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online
- **UKCIS Sharing nudes and semi-nudes advice:** [Advice for education settings working with children and young people](#) on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos (also known as sexting and youth produced sexual imagery). Please see footnote 8 for further information
- **National Crime Agency's [CEOP Education Programme](#)** provides information for the children's workforce and parents and carers on protecting children and young people from online child sexual abuse.
- **LGfL '[Undressed](#)'** provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.



Additional sources of support are listed at the end of Annex B.

## The immediate response to a report

### Responding to the report

468. It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. As per Part one of this guidance, if staff have **any** concerns about a child's welfare, they should act on them immediately rather than wait to be told.
469. The initial response by a school or college to a report from a child is incredibly important. How the school or college responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.
470. It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. 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.
471. As per Part one of this guidance, all staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed. However, effective safeguarding practice includes:
- if possible, managing reports with two members of staff present, preferably one of them being the designated safeguarding lead (or deputy)
  - careful management and handling of reports that include an online element. Including being aware of [searching screening and confiscation](#) advice (for schools) and [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#). **The key consideration is for staff not to view or forward illegal images of a child.** The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead (or deputy) or local authority children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to
- recognising that a child is likely to disclose to someone they trust: this could be **anyone** on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation
- listening carefully to the child, reflecting back, using the child's language, being non-judgemental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, **it is essential a written record is made**
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by local authority children's social care and/or part of a criminal investigation, and
- informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

## Considering confidentiality and anonymity

### Confidentiality

472. Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

473. 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.

474. The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purpose is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law. Advice should be sought from the designated safeguarding lead (or deputy), who should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk)
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to local authority children's social care, and
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

475. Ultimately, the designated safeguarding lead (or deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

476. If the designated safeguarding lead (or deputy) decides to go ahead and make a referral to local authority children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered.

477. Additional information on confidentiality and information sharing is available at [Safeguarding Practitioners Information Sharing Advice](#) and [NSPCC: Information sharing and confidentiality for practitioners](#).

### Anonymity

478. 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<sup>29</sup>. Relevant information can be found in: [CPS: Safeguarding Children as Victims and Witnesses](#).

479. As a matter of effective safeguarding practice, schools and colleges should do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved.

480. Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. The unique challenges regarding social media are discussed at paragraph 466 along with potential support. In addition, the principles described in [Childnet's cyberbullying guidance](#) could be helpful.

## **Risk assessment**

481. When there has been a report of sexual violence, the designated safeguarding lead (or deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment for a report of sexual violence should consider:

- the victim, especially their protection and support
- whether there may have been other victims
- the alleged perpetrator(s)
- all the other children, (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and
- The time and location of the incident, and any action required to make the location safer.

482. Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

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<sup>29</sup> It is not the role of schools and colleges to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Rather, schools and colleges should be aware of their own position and responsibilities.

483.

The designated safeguarding lead (or deputy) should ensure they are engaging with local authority children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above school or college risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school or college approach to supporting and protecting their pupils and students and updating their own risk assessment.

## Action following a report of sexual violence and/or sexual harassment

### What to consider

484. As set out above, sexual violence and sexual harassment can happen anywhere, and all staff working with children are advised to maintain an attitude of '**it could happen here**'. Schools and colleges should be aware of and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school/college. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the initial response by the school or college. Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school or college's duty and responsibilities to protect other children
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed
- the ages of the children involved
- the developmental stages of the children involved
- any power imbalance between the children. For example, is/are the alleged perpetrator(s) significantly older, more mature, confident and well known social standing? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between children

- importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school or college staff, and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

485. As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. **Immediate** consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) and any other children involved/impacted.

## Children sharing a classroom: Initial considerations when the report is made

Any report of sexual violence or sexual harassment is likely to be traumatic for the victim. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Reports of rape and assault by penetration are likely to be especially difficult for the victim, and close proximity to the alleged perpetrator(s) is likely to be especially distressing. Whilst the school or college establishes the facts of the case and starts the process of liaising with local authority children's social care and the police, the alleged perpetrator(s) **should** be removed from any classes they share with the victim. The school or college should also **carefully** consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during any before or after school-based activities) and on transport to and from the school or college, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school or college premises and school or college transport, should be considered immediately.

In all cases, the initial report should be carefully evaluated, reflecting the considerations set out at paragraph 485. The wishes of the victim, the nature of the allegations and the protection of all children in the school or college will be especially important when considering any immediate actions.

## Options to manage the report

486. It is important that schools and colleges consider every report on a case-by-case basis as per paragraph 483. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to local authority children's social care and/or the police, then, as a general rule, the designated safeguarding lead should speak to the local authority children's social care and the police and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and should not stop the school or college taking immediate action to safeguard its children, where required.



487. There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment. The four scenarios are:

## 1. Manage internally

488. In some cases of **sexual harassment**, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or that referrals to statutory services are not required, and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

489. Whatever the response, it should be underpinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.

490. **All** concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### Case study

A 12-year-old girl reported to the head of year that five boys in her friendship group were playing a game, which involved daring each other to use increasingly graphic sexually explicit language, describing what they would like to do to her. She was very upset but did not want to get anyone into trouble or everyone to know about it. She just wanted them to stop. She explained this to her head of year. The head of year explained to her that what she had experienced was extremely serious and reassured her that her reaction was completely understandable. He also explained that he would pass the report to the designated safeguarding lead to ensure records were updated. He explained he would be following the school's behaviour policy and would speak to the boys involved and their parents, making it clear that what they were doing was sexual bullying and harassment and taken extremely seriously. The girl's parents were contacted and given the opportunity to discuss the action the school planned to take.

Result: the boys were removed from the classroom and reprimanded with their parents present. It was made clear that the behaviour was unacceptable, and they received a punishment in line with the school's behaviour policy. They were also warned about the more severe consequences that would arise if the harassment continued.

## 2. Early help

491. In line with managing internally, the school or college may decide that the children involved do not require referral to statutory services but may benefit from early help.

Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the local early help process is and how and where to access support.

492. More information on early help is set out in Part one of this guidance with full details of the early help process in Chapter one of [Working Together to Safeguard Children](#).

493. Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.

494. Schools and colleges, as relevant agencies, should be part of discussions with statutory safeguarding partners to agree the levels for the different types of assessment and services to be commissioned and delivered, as part of the local arrangements. Safeguarding partners should publish a local threshold document which includes the process for the local early help assessment and the type and level of early help services to be provided, and designated safeguarding leads (and their deputies) will need to familiarise themselves with this document.

495. Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and alleged perpetrator(s).

496. Whatever the response, it should be under-pinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

497. **All** concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### 3. Referrals to local authority children's social care

498. Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local authority children's social care.

499. At the point of referral to local authority children's social care, schools and colleges will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of local authority children's social care.

500. If a referral is made, local authority children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.

501. Where statutory assessments are appropriate, the school or college (especially the designated safeguarding lead (or deputy)) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.

502. Schools and colleges should not wait for the outcome (or even the start) of a local authority children's social care investigation before protecting the victim and other children in the school or college. It will be important for the designated safeguarding lead (or deputy) to work closely with local authority children's social care (and other agencies as required) to ensure any actions the school or college takes do not jeopardise a statutory investigation. The risk assessment as per paragraph 480-482 will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report, and all children at the school or college should be **immediate**.

503. In some cases, local authority children's social care will review the evidence and decide that a statutory intervention is not appropriate. The school or college (generally led by the designated safeguarding lead (or deputy)) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm or if circumstances change. If a statutory assessment is not appropriate, the designated safeguarding lead (or deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

504. Whatever the response, it should be under-pinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

505. **All** concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

#### **4. Reporting to the Police**

506. **Any report** to the police will generally be in parallel with a referral to local authority children's social care (as above).

507. It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.

508. Where a report of rape, assault by penetration, or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools and colleges decide when to engage the Police and what to expect of them when they do: [When to call the police](#).

509. Where a report has been made to the police, the school or college should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.

510. At this stage, schools and colleges will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school or college is supporting the child in any decision they take. This should be with the support of local authority children's social care and any appropriate specialist agencies.

511. All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.

512. In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continues to engage with specialist support for the victim and alleged perpetrator(s) as required.

513. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

514. If a school or college has questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

515. Whatever the response, it should be underpinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

516. **All** concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### Considering bail conditions

517. The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.

518. Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI will not necessarily have conditions

attached to their release from custody and it is possible for a person on bail also to have no conditions.

519. Whatever arrangements are in place, the school or college will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution.

520. Particular regard should be given to: the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc).

521. Careful liaison with the police investigators should help to develop a balanced set of arrangements.

### **Managing any delays in the criminal process**

522. There may be delays in any case that is being progressed through the criminal justice system. Schools and colleges **should not wait** for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s), and other children in the school or college. The risk assessment as per paragraph 480-482 will help inform any decision.

523. Considering any disciplinary action against the alleged perpetrator(s) whilst an investigation is ongoing is discussed below in the alleged perpetrator(s) section.

524. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college takes do not jeopardise the police investigation.

525. If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

### **The end of the criminal process**

526. If a child is convicted or receives a caution for a sexual offence, the school or college should update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school or college as the victim, the school or college should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions

the school or college thinks are reasonable and proportionate with regard to the lesson timetable of the perpetrator(s).

527. Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. It will be important that the school or college ensures both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).

528. Where cases are classified as “no further action” by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school or college should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools and colleges should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is/are also likely to require ongoing support for what will have likely been a difficult experience.

## Case study

A 15-year-old girl disclosed to a pastoral lead that she had been sexually touched by a 15-year-old boy, on public transport on the way to school. The school made a referral to local authority children's social care on the same day, submitting a MARF (Multi Agency Referral Form) for both children. The MARF led to immediate police involvement. The school arranged for the boy to have an amended timetable so that he was not in any class with the girl. Specific teaching staff were briefed on the need to ensure the children were not together. The girl was given a trusted adult she could go to at any time. This staff member agreed she would meet with the girl every day and she supported her with break and lunchtime arrangements. The girl was able to suggest how she would feel safest at lunchtime.

At the end of the second day, another girl went to the designated safeguarding lead (DSL) and made a report about the same boy. She reported that he had sexually assaulted her in school three weeks before. The school submitted a MARF for the girl and a second MARF for the boy. The school knew the police were involved and that a MERLIN (a crime report involving a child) had been submitted, but they knew the police would not have the ongoing and detailed information held by the school about the boy. The school did not want either girl further distressed by possibly seeing the boy around school. The option choices and group sizes for the three children meant it was very difficult to educate separately. The school contacted another secondary school. The school links had been established as part of the In Year Fair Access Process (IYFAP) and made immediate arrangements for the boy to move to the other school so that his education was not disrupted. The boy remained at the new school for the duration of the investigation. The DSLs from both schools worked together with police and the children and ensured appropriate child protection information was shared so the receiving school was fully aware of the allegations. The boy received a caution, and the decision was made for him to remain at his new school where he engaged with a personalised RSHE plan. Parents were involved throughout/ The children were at the centre of decision-making, often suggesting how they could be supported.

## Unsubstantiated, unfounded, false or malicious reports

529. As set out in paragraph 68 of Part one of this guidance, **all** concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

530. If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else



and this was a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

531. If a report is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

## Ongoing response

### Safeguarding and supporting the victim

532. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school or college is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegation(s) and the potential risk of further abuse. Schools and colleges should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s).
- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.
- Schools and colleges should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse. They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred.
- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic

or inappropriate behaviour. Where a pattern is identified, the school or college should decide on a course of action. Consideration should be given as to whether there are wider cultural issues within the school or college that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

533. Support can include:

- Early help and local authority children's social care as set out in Part one of this guidance.
- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
- Police and social care agencies can signpost to ChISVA services (where available), or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at [Rape Crisis](#) and [The Survivors Trust](#).
- Child and young people's mental health services ([CYPMHS](#)) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CYPMHS have their own website, which will have information about access, referrals and contact numbers.
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for details of local specialist organisations. The [Male Survivors Partnership](#) can provide details of services which specialise in supporting men and boys.
- The NHS [Help after rape and sexual assault - NHS \(www.nhs.uk\)](#) provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics.
- Rape and sexual assault referral centres services can be found at: Find [Rape and sexual assault referral centres](#). Sexual assault referral centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111.
- [Childline](#) provides free and confidential advice for children and young people.

- [Internet Watch Foundation](#) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.
- [Childline / IWF: Remove a nude image shared online](#) – ‘Report Remove’ is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.

## Case study

A 15-year-old boy and girl who go to the same school had sex at a party and, without them knowing, other people at the party filmed it. The video was then uploaded to a site and shared around their school and other schools in the area.

Following this, the girl was sexually harassed at school being called a ‘slag’ and a ‘slut’ during lessons. Other boys in the school began propositioning her in school and trying to touch her aggressively and inappropriately. A teacher who saw the sexual harassment in his class talked to the girl about how she was feeling and suggested she spoke to the designated safeguarding lead (DSL). The DSL spoke to the girl and recorded the report, discussed her options about trying to get the video deleted from people’s devices and the website it was on, and how to talk to her parents about what happened. The teachers and parents did not view the video, and this was communicated to the girl and boy.

Whilst in this case the boy was not harassed in the same way as the girl, the school recognised he was also a victim and spoke to him about his feelings and what could be done to support him.

The teacher arranged a workshop as part of the RSHE curriculum for all Year 10s about respect, shame, consent, and their collective responsibility to challenge inappropriate sexual behaviour.

The parents of the girl and boy worked with the school and the police to get the content removed via the IWF and identify who recorded and distributed the video. Both the girl and boy were supported through the investigation with counselling.

Those responsible for harassing the girl and sharing the video received sanctions in line with the school behaviour policy.

534. Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools and colleges should ask the victim if they would find it helpful to have a

designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as is reasonably possible). Schools and colleges should respect and support this choice.

535. 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 and colleges 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.

536. While schools and colleges should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools and colleges should provide a physical space for victims to withdraw to.

537. It may be necessary for schools and colleges to maintain arrangements to protect and support the victim for a long time. Schools and colleges should be prepared for this and should work with local authority children's social care and other agencies as required.

538. It is therefore important that the designated safeguarding lead (or deputy) knows how, when, and where to seek support.

539. It is important that the school or college do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

540. Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

541. It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file. Information sharing advice referenced at paragraphs 115-123 will help support this process.

## Ongoing Considerations: Victim and alleged perpetrator(s) sharing classes

Page 112 considered the immediate response to a report. Once the designated safeguarding lead (or deputy) has decided what the next steps will be in terms of progressing the report, they should **carefully consider** again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them.

It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools and colleges should follow general safeguarding principles as per this guidance.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during before and after school-based activities) and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s). As per paragraph 505, close liaison with the police is essential.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school or college should take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator(s) to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, the school or college should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion<sup>144</sup>. Where the perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

In all cases, schools and colleges should record and be able to justify their decisionmaking.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator(s). Appropriate support should be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, schools and colleges should record and be able to justify their decision-making.

All of the above should be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

### **Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour**

542. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school or college will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.
- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often is<sup>145</sup>) a symptom of either their own abuse or exposure to abusive

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<sup>144</sup> Maintained schools, academies and pupil referral units should follow the statutory guidance [here](#). Independent schools and colleges should consider excluding as per their own policies.

<sup>145</sup> [Hackett et al 2013](#) study of children and young people with harmful sexual behaviour suggests that two-thirds had experienced some kind of abuse or trauma.

practices and or materials. More information on HSB can be found at paras 455-458. Advice should be taken, as appropriate, from local authority children's social care, specialist sexual violence services and the police.

- The Lucy Faithfull Foundation has developed a [HSB toolkit](#), which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: [NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#).
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow – [Preventing harmful sexual behaviour in children - Stop It Now](#) provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

543. It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Advice on [behaviour in schools](#) is clear that teachers can sanction pupils whose conduct falls below the standard which could be reasonably expected of them. If the perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair. Further information about exclusions can be found in statutory guidance for schools: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England](#).

544. School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file. Information sharing advice referenced at paragraphs 115-123 will help support this process.

## **Sanctions and the alleged perpetrator(s)**

### **Schools**

545. With regard to the alleged perpetrator(s), advice on [behaviour in schools](#) is clear that teachers can sanction pupils whose conduct falls below the standard which could be



reasonably expected of them. Statutory guidance for maintained schools, academies and PRUs on exclusions can be found [here](#). 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. This is a matter for the school and should be carefully considered on a case-by-case basis. The designated safeguarding lead (or deputy) should take a leading role. The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach its own view about what happened while an independent investigation is considering the same facts.

## Colleges

546. Whilst colleges are not under the same legal obligations as schools with regard to behaviour, the principles set out in paragraph 544 will still be relevant and should be applied to their decision-making process.

## Discipline and support

547. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school or college should be very clear as to what its approach is. On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator(s), especially where there are concerns that a perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct. The school or college should be very clear as to which category any action they are taking falls or whether it is really both and should ensure that the action complies with the law relating to each relevant category.

## Working with parents and carers

548. The school or college will, in most instances, engage with both the victim's and the parents or carers of alleged perpetrator(s) when there has been a report of sexual violence (this **might** not be necessary or proportionate in the case of sexual harassment and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. Schools and colleges should carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, local authority children's social care and/or the police will have a very clear view

and it will be important for the school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

549. It is good practice for the school or college to meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

550. It is also good practice for the school or college to meet the parents or carers of the alleged perpetrator(s) to discuss any arrangements that are being put in place that impact an alleged perpetrator(s), such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator(s) should be discussed.

551. The designated safeguarding lead (or deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should be considered on a case-by-case basis.

552. Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and alleged perpetrators are likely to be supported, that parents and carers have access to, will, in some cases, help manage what are inevitably very difficult conversations.

553. Parents and carers may well struggle to cope with a report that their child has been the victim of a sexual assault or is alleged to have sexually assaulted another child. Details of organisations that support parents are provided in Annex B. Schools and colleges should consider signposting parents and carers to this support.

## **Safeguarding other children**

554. 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.

555. Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school or college should be doing all they can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.

556. Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves. Specialist online safety support is discussed at page 111.

557. School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. The school or college, as part of

its risk assessment, should consider any additional potential support needs to keep all of their children safe.

558. A whole school or college approach to safeguarding, a culture that makes clear that there is a **zero-tolerance** approach to sexual violence and sexual harassment and that both are never acceptable, and it will not be tolerated, and a strong preventative education programme will help create an environment in which all children at the school or college are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

559. 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 sexual 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 is good practice to share emerging trends with safeguarding partners.

## Annex A: Safeguarding information for school and college staff

The following is a condensed version of Part one of Keeping children safe in education. It can be provided (instead of Part one) to those staff who do not directly work with children, if the governing body or proprietor think it will provide a better basis for those staff to promote the welfare of and safeguard children.

### The role of school and college staff

1. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children has an important role to play.
2. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating. It is important all staff (including those who do not work directly with children) recognise the important role they play in protecting children.

### What school and college staff need to know

3. For the purposes of safeguarding, a child is anyone under the age of 18. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

#### All staff should:

- Be aware of the systems in their school or college which support safeguarding, and these should be explained to them as part of staff induction. As a minimum this Annex and the child protection policy should be shared with staff at induction
- Receive appropriate safeguarding and child protection training (including online safety which, amongst other things, includes an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring) which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (including online safety) (for example, via emails, e-bulletins and staff meetings), as required, and at least annually, to provide them with the skills and knowledge to safeguard children effectively

- Know the identity of the designated safeguarding lead (and any deputies) and how to contact them
- Know what to do if a child tells them they are being abused or neglected. This includes understanding they should never promise a child that they will not tell anyone else about a report of abuse, as this is unlikely to be in the best interests of the child, and,
- Should be able to reassure all victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment, nor should a victim ever be made to feel ashamed for making a report.
- Should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse and other risks online as well as face to face. In many cases abuse and other risks will take place concurrently both online and offline. Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the nonconsensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

## What school and college staff should look out for

### Abuse and neglect

4. Knowing what to look for is vital to the early identification of abuse and neglect. **All** staff should be aware of indicators of abuse and neglect, including exploitation, so that they are able to identify cases of children who may be in need of help or protection. Abuse can take place wholly online, or technology may be used to facilitate offline abuse.
5. If staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

### Forms of abuse and neglect

6. **Abuse:** 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 by other children or adults, in a family or in an institutional or community setting by those known to them or, more rarely, by others.
7. **Physical abuse:** a form of abuse that may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.

8. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.
9. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Females can also be abusers as can other children. The sexual abuse of children by other children is a specific safeguarding issue (also known as child-on-child abuse) in education and **all** staff should be aware of it and their school or colleges policy and procedures for dealing with it.
10. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.
11. **All** staff should be aware that child sexual and child criminal exploitation are forms of child abuse.

## Safeguarding issues

12. **All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and/or alcohol misuse, deliberately missing education, serious violence (including that linked to county lines), radicalisation and consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>30</sup> (also known as youth produced sexual imagery) put children in

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<sup>30</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is

danger.

### Child-on-child abuse

13. **All** staff should be aware that children can abuse other children at any age (often referred to as child-on-child abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of abuse and know how to identify it and respond to reports.

14. **All** staff should be clear as to the school or college's policy and procedures with regards to child-on-child abuse. Child-on-child abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- sexual violence, such as rape, assault by penetration and sexual assault
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment

### What school and college staff should do if they have concerns about a child

15. Staff working with children should maintain an attitude of '**it could happen here**' where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the **best interests** of the child.

16. Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe.

17. If staff have **any concerns** about a child's welfare, they should act on them immediately. They should follow their school or college's child protection policy and speak to the designated safeguarding lead (or deputy). In the absence of the designated safeguarding lead (or deputy) staff should speak to a member of the school or college's senior leadership team.

18. The designated safeguarding lead (or deputy) will generally lead on next steps, including who else, if anyone, in the school or college should be informed and whether to pass a concern to local authority children's social care and/or the police. In some

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illegal and abusive. [UKCIS](#) provides detailed advice about sharing of nudes and semi-nude images and videos.



instances, staff may be expected to support the local authority children social care assessment process. If this is the case, the designated safeguarding lead (or deputy) will support them.

### **Why is all of this important?**

19. It is important for children to receive the right help at the right time to address safeguarding risks and prevent issues escalating and to promote children's welfare. Research and serious case reviews have repeatedly shown the dangers of failing to take effective and immediate action. Examples of poor practice includes failing to act on and refer the early signs of abuse and neglect.

### **What school and college staff should do if they have a safeguarding concern or an allegation about another staff member who may pose a risk of harm to children**

20. If staff have a safeguarding concern or an allegation is made about another member of staff (including supply staff, contractors, volunteers, and visitors) harming or posing a risk of harm to children, they should speak to the headteacher or principal (unless it relates to the headteacher or principal, in which case they should speak to the chair of governors, chair of the management committee, or the proprietor of an independent school).

### **What school or college staff should do if they have concerns about safeguarding practices within the school or college**

21. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

22. Appropriate whistleblowing procedures should be in place for concerns to be raised with the school's or college's senior leadership team.

23. Where staff feel unable to raise an issue with their employer or feel that their genuine safeguarding concerns are not being addressed [NSPCC whistleblowing advice line](#) is available. Staff can call 0800 028 0285 and the line is available from 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.

## Annex B: Further information

Annex B contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read this Annex.

As per Part one of this guidance, if staff have any concerns about a child's welfare, they should act on them immediately. They should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

**Where a child is suffering, or is likely to suffer from harm, it is important that a referral to local authority children's social care (and if appropriate the police) is made immediately.**

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## **Child abduction and community safety incidents**

Child abduction is the unauthorised removal or retention of a minor from a parent or anyone with legal responsibility for the child. Child abduction can be committed by parents or other family members; by people known but not related to the victim (such as neighbours, friends and acquaintances); and by strangers.

Other community safety incidents in the vicinity of a school can raise concerns amongst children and parents, for example, people loitering nearby or unknown adults engaging children in conversation.

As children get older and are granted more independence (for example, as they start walking to school on their own) it is important they are given practical advice on how to keep themselves safe. Many schools provide outdoor-safety lessons run by teachers or by local police staff.

It is important that lessons focus on building children's confidence and abilities rather than simply warning them about all strangers. Further information is available at:

[www.actionagainstabduction.org](http://www.actionagainstabduction.org) and [www.clevernevergoes.org](http://www.clevernevergoes.org).

## **Child Criminal Exploitation (CCE) and Child Sexual Exploitation (CSE)**

We know that different forms of harm often overlap, and that perpetrators may subject children and young people to multiple forms of abuse, such as criminal exploitation (including county lines) and sexual exploitation.

In some cases the exploitation or abuse will be in exchange for something the victim needs or wants (for example, money, gifts or affection), and/or will be to the financial benefit or other advantage, such as increased status, of the perpetrator or facilitator.

Children can be exploited by adult males or females, as individuals or in groups. They may also be exploited by other children, who themselves may be experiencing exploitation – where this is the case, it is important that the child perpetrator is also recognised as a victim.

Whilst the age of the child may be a contributing factor for an imbalance of power, there are a range of other factors that could make a child more vulnerable to exploitation, including, sexual identity, cognitive ability, learning difficulties, communication ability, physical strength, status, and access to economic or other resources.

Some of the following can be indicators of both child criminal and sexual exploitation where children:

- appear with unexplained gifts, money or new possessions
- associate with other children involved in exploitation
- suffer from changes in emotional well-being
- misuse alcohol and other drugs
- go missing for periods of time or regularly come home late, and
- regularly miss school or education or do not take part in education.

Children who have been exploited will need additional support to help keep them in education.

Child Sexual Exploitation (CSE) can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence.

Some additional specific indicators that may be present in CSE are children who:

- have older boyfriends or girlfriends; and
- suffer from sexually transmitted infections, display sexual behaviours beyond expected sexual development or become pregnant.

Further information on signs of a child's involvement in sexual exploitation is available in Home Office guidance: [Child sexual exploitation: guide for practitioners](#)

## County lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs using dedicated mobile phone lines or other form of "deal line". This activity can happen locally as well as across the UK - no specified distance of travel is required. Children and vulnerable adults are exploited to move, store and sell drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims.

Children can be targeted and recruited into county lines in a number of locations including any type of schools (including special schools), further and higher educational institutions, pupil referral units, children's homes and care homes.

Children are also increasingly being targeted and recruited online using social media. Children can easily become trapped by this type of exploitation as county lines gangs can manufacture drug debts which need to be worked off or threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

A number of the indicators for CCE and CSE as detailed above may be applicable to where children are involved in county lines. Some additional specific indicators that may be present where a child is criminally exploited through involvement in county lines are children who:

- go missing and are subsequently found in areas away from their home
- have been the victim or perpetrator of serious violence (e.g. knife crime)
- are involved in receiving requests for drugs via a phone line, moving drugs, handing over and collecting money for drugs
- are exposed to techniques such as 'plugging', where drugs are concealed internally to avoid detection
- are found in accommodation that they have no connection with, often called a 'trap house or cuckooing' or hotel room where there is drug activity
- owe a 'debt bond' to their exploiters
- have their bank accounts used to facilitate drug dealing.

Further information on the signs of a child's involvement in county lines is available in guidance published by the [Home Office](#) and The Children's Society [County Lines Toolkit For Professionals](#)

## **Children and the court system**

Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed. The Children and Family Court Advisory Support Service (Cafcass) [guides for young people](#) explain each step of the process, support and special measures that are available. There are diagrams illustrating the courtroom structure and the use of video links is explained.

Making child arrangements via the family courts following separation can be stressful and entrench conflict in families. This can be stressful for children. The Ministry of Justice has launched an online [child arrangements information tool](#) with clear and concise information on the dispute resolution service. This may be useful for some parents and carers.

## **Children who are absent from education**

All staff should be aware that children being absent from school or college, particularly repeatedly and/or for prolonged periods, and children missing education can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect such as sexual abuse or exploitation and can also be a sign of child criminal exploitation including involvement in county lines. It may indicate mental health problems, risk of

substance abuse, risk of travelling to conflict zones, risk of female genital mutilation, so-called 'honour'-based abuse or risk of forced marriage. Early intervention is essential to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. It is important that staff are aware of their school or college's unauthorised absence procedures and children missing education procedures.

## Children with family members in prison

Approximately 200,000 children in England and Wales have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. The National Information Centre on Children of Offenders, [NICCO](#), provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

## Cybercrime

Cybercrime is criminal activity committed using computers and/or the internet. It is broadly categorised as either 'cyber-enabled' (crimes that can happen offline but are enabled at scale and at speed online) or 'cyber dependent' (crimes that can be committed only by using a computer). Cyber-dependent crimes include:

- unauthorised access to computers (illegal 'hacking'), for example accessing a school's computer network to look for test paper answers or change grades awarded
- 'Denial of Service' (Dos or DDoS) attacks or 'booting'. These are attempts to make a computer, network or website unavailable by overwhelming it with internet traffic from multiple sources, and,
- making, supplying or obtaining malware (malicious software) such as viruses, spyware, ransomware, botnets and Remote Access Trojans with the intent to commit further offence, including those above.

Children with particular skills and interest in computing and technology may inadvertently or deliberately stray into cyber-dependent crime.

If there are concerns about a child in this area, the designated safeguarding lead (or deputy), should consider referring into the **Cyber Choices** programme. This is a nationwide police programme supported by the Home Office and led by the National Crime Agency, working with regional and local policing. It aims to intervene where young people are at risk of committing, or being drawn into, low-level cyber-dependent offences and divert them to a more positive use of their skills and interests.

Note that **Cyber Choices** does not currently cover 'cyber-enabled' crime such as fraud, purchasing of illegal drugs online and child sexual abuse and exploitation, nor other areas of concern such as online bullying or general on-line safety.

Additional advice can be found at: [Cyber Choices](#), '[NPCC- When to call the Police](#)' and [National Cyber Security Centre - NCSC.GOV.UK](#).

## Domestic abuse

The Domestic Abuse Act 2021 received Royal Assent on 29 April 2021. The Act introduced the first ever statutory definition of domestic abuse and recognises the impact of domestic abuse on children, as victims in their own right, if they see, hear or experience the effects of abuse. The statutory definition of domestic abuse, based on the previous cross-government definition, ensures that different types of relationships are captured, including ex-partners and family members. The definition captures a range of different abusive behaviours, including physical, emotional and economic abuse and coercive and controlling behaviour. Under the statutory definition, both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be "personally connected" (as defined in section 2 of the 2021 Act).

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and child to parent abuse. Anyone can be a victim of domestic abuse, regardless of sexual identity, age, ethnicity, socio-economic status, sexuality or background and domestic abuse can take place inside or outside of the home. The government has issued statutory guidance to provide further information for those working with domestic abuse victims and perpetrators, including the impact on children.

All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Experiencing domestic abuse can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Young people can also experience domestic abuse within their own intimate relationships. This form of child-on-child abuse is sometimes referred to as 'teenage relationship abuse'. Depending on the age of the young people, this may not be recognised in law under the statutory definition of 'domestic abuse' (if one or both parties are under 16). However, as with any person under 18, where there are concerns about safety or welfare, child safeguarding procedures should be followed and both young victims and young perpetrators should be offered support.



## Operation Encompass

[Operation Encompass](#) operates in all police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when the police are called to an incident of domestic abuse, where there are children in the household who have experienced the domestic incident, the police will inform the key adult (usually the designated safeguarding lead (or deputy)) in school before the child or children arrive at school the following day. This ensures that the school has up to date relevant information about the child's circumstances and can enable immediate support to be put in place, according to the child's needs. Operation Encompass does not replace statutory safeguarding procedures. Where appropriate, the police and/or schools should make a referral to local authority children's social care if they are concerned about a child's welfare. More information about the scheme and how schools can become involved is available on the Operation Encompass website.

Operation Encompass provides an advice and helpline service for all staff members from educational settings who may be concerned about children who have experienced domestic abuse. The helpline is available 08:00 to 13:00, Monday to Friday on 0204 513 9990 (charged at local rate).

## National Domestic Abuse Helpline

Refuge runs the National Domestic Abuse Helpline, which can be called free of charge and in confidence, 24 hours a day on 0808 2000 247. Its website provides guidance and support for potential victims, as well as those who are worried about friends and loved ones. It also has a form through which a safe time from the team for a call can be booked.

Additional advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

- [NSPCC- UK domestic-abuse Signs Symptoms Effects](#)
- [Refuge what is domestic violence/effects of domestic violence on children](#)
- [Safe Young Lives: Young people and domestic abuse | Safelives](#)
- [Domestic abuse: specialist sources of support](#) (includes information for adult victims, young people facing abuse in their own relationships and parents experiencing child to parent violence/abuse)
- [Home: Operation Encompass](#) (includes information for schools on the impact of domestic abuse on children)

## Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes into the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst referrals and/or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, this does not, and should not, replace a referral into local authority children's social care where a child has been harmed or is at risk of harm.

The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live. The following factsheets usefully summarise the new duties: [Homeless Reduction Act Factsheets](#). The new duties shift the focus to early intervention and encourages those at risk to seek support as soon as possible, before they are facing a homelessness crisis.

In most cases school and college staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis. However, it should also be recognised in some cases 16- and 17-year-olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Local authority children's social care will be the lead agency for these children and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child's circumstances. The Department for Levelling Up, Housing and Communities have published joint statutory guidance on the provision of accommodation for 16- and 17-year-olds who may be homeless and/or require accommodation: [here](#).

## Mental health

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour, attendance and progress at school.

More information can be found in the [Mental health and behaviour in schools guidance](#), colleges may also wish to follow this guidance as best practice. Public Health England<sup>31</sup> has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among children. See [Every Mind Matters](#) for links to all materials and lesson plans.

## Modern Slavery and the National Referral Mechanism (NRM)

Modern slavery encompasses human trafficking and slavery, servitude and forced or compulsory labour. Exploitation can take many forms, including sexual exploitation, forced labour, slavery, servitude, forced criminality and the removal of organs.

Further information on the signs that someone may be a victim of modern slavery, the support available to victims and how to refer them to the NRM is available in Statutory Guidance. [Modern slavery: how to identify and support victims - GOV.UK](#)

## Preventing radicalisation

Children may be susceptible to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a schools or colleges safeguarding approach.

**Extremism**<sup>32</sup> is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.

**Radicalisation**<sup>33</sup> refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

**Terrorism**<sup>34</sup> is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic

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<sup>31</sup> Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency. However, the branding remains unchanged.

<sup>32</sup> As defined in the Government's [Prevent Duty Guidance for England and Wales](#).

<sup>33</sup> As defined in the [Government's Prevent Duty Guidance for England and Wales](#).

<sup>34</sup> As defined in the Terrorism Act 2000 (TACT 2000) <http://www.legislation.gov.uk/ukpga/2000/11/contents>

system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

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Although there is no single way of identifying whether a child is likely to be susceptible to an extremist ideology, there are [possible indicators](#) that should be taken into consideration alongside other factors and contexts. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media or the internet) and settings (such as within the home).

However, it is possible to protect people from extremist ideologies and intervene to prevent those at risk of radicalisation being drawn to terrorism. As with other safeguarding risks, staff should be alert to changes in children's behaviour, which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) [making a Prevent referral](#).

Although not a cause for concern on their own, possible indicators when taken into consideration alongside other factors or context may be a sign of being radicalised.

### **The Prevent duty**

All schools and colleges are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have "due regard"<sup>35</sup> to the need to prevent people from being drawn into terrorism"<sup>36</sup>. This duty is known as the Prevent duty.

The Prevent duty should be seen as part of schools' and colleges' wider safeguarding obligations. Designated safeguarding leads (and deputies) and other senior leaders in schools should familiarise themselves with the revised [Prevent duty guidance: for England and Wales](#), especially paragraphs 57-76, which are specifically concerned with schools (and also covers childcare). Designated safeguarding leads (and deputies) and other senior leaders in colleges should familiar themselves with the [Prevent duty guidance: for further education institutions in England and Wales](#). The guidance is set out

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<sup>35</sup> According to the Prevent duty guidance 'having due regard' means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

<sup>36</sup> "Terrorism" for these purposes has the same meaning as for the Terrorism Act 2000 (section 1(1) to (4) of that Act).

in terms of four general themes: risk assessment, working in partnership, staff training, and IT policies.

The school or college's designated safeguarding lead (and any deputies) should be aware of local procedures for making a Prevent referral.

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## Channel

Channel is a voluntary, confidential support programme which focuses on providing support at an early stage to people who are identified as being susceptible to being drawn into terrorism. Prevent referrals are assessed and may be passed to a multiagency Channel panel, which will discuss the individual referred to determine whether they are at risk of being drawn into terrorism and consider the appropriate support required. A representative from the school or college may be asked to attend the Channel panel to help with this assessment. An individual will be required to provide their consent before any support delivered through the programme is provided.

The designated safeguarding lead (or deputy) should consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse or those who are currently receiving support through the 'Channel' programme and have that support in place for when the child arrives.

Statutory guidance on Channel is available at: [Channel guidance](#).

## Additional support

[The Department has published further advice for those working in education settings with safeguarding responsibilities on the Prevent duty](#). The advice is intended to complement the Prevent guidance and signposts to other sources of advice and support.

The Home Office has developed three e-learning modules:

- [Prevent awareness e-learning](#) offers an introduction to the Prevent duty.
- [Prevent referrals e-learning](#) supports staff to make Prevent referrals that are **robust, informed** and with **good intention**.
- [Channel awareness e-learning](#) is aimed at staff who may be asked to contribute to or sit on a multi-agency Channel panel.

[Educate Against Hate](#), is a government website designed to support school and college teachers and leaders to help them safeguard their students from radicalisation and

extremism. The platform provides free information and resources to help staff identify and address the risks, as well as build resilience to radicalisation.

For advice specific to further education, the Education and Training Foundation (ETF) hosts the [Prevent for FE and Training](#). This hosts a range of free, sector specific resources to support further education settings to comply with the Prevent duty. This includes the Prevent Awareness e-learning, which offers an introduction to the duty, and the Prevent Referral e-learning, which is designed to support staff to make robust, informed and proportionate referrals.

The [ETF Online Learning environment](#) provides online training modules for practitioners, leaders and managers, to support staff and governors/Board members in outlining their roles and responsibilities under the duty.

London Grid for Learning has also produced useful resources on Prevent ([Online Safety Resource Centre - London Grid for Learning \(lgfl.net\)](#)).

## **Sexual violence and sexual harassment between children in schools and colleges**

Sexual violence and sexual harassment can occur between two children of any age and sex from primary to secondary stage and into colleges. It can also occur online. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and face to face (both physically and verbally) and are never acceptable.

It is essential that **all** victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. Detailed advice is available in Part five of this guidance.

## **Serious Violence**

There are a number of indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include:

- increased absence from school

- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries
- unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

The likelihood of involvement in serious violence may be increased by factors such as:

- being male
- having been frequently absent, or permanently excluded, from school
- having experienced child maltreatment and having been involved in offending, such as theft or robbery.

A fuller list of risk factors can be found in the Home Office's [Serious Violence Strategy](#).

Professionals should also be aware that violence can often peak in the hours just before or just after school, when pupils are travelling to and from school. These times can be particularly risky for young people involved in serious violence.

Advice for schools and colleges is provided in the Home Office's [Criminal exploitation of children and vulnerable adults: county lines](#) guidance. The [Youth Endowment Fund \(YEF\) Toolkit](#) sets out the evidence for what works in preventing young people from becoming involved in violence.

Home Office funded Violence Reduction Units (VRU) operate in the 20 police force areas across England and Wales that have the highest volumes of serious violence, as measured by hospital admissions for injury with a sharp object. A list of these locations can be found [here](#). As the strategic co-ordinators for local violence prevention, each VRU is mandated to include at least one local education representative within their Core Membership group, which is responsible for setting the direction for VRU activity. Schools and educational partners within these areas are encouraged to reach out to their local VRU, either directly or via their education Core Member, to better ingrain partnership working to tackle serious violence across local areas and ensure a joined-up approach to young people across the risk spectrum.

The [Police, Crime, Sentencing and Courts Act 2022](#) introduced a new duty on a range of specified authorities, such as the police, local government, youth offending teams, health and probation services, to work collaboratively, share data and information, and put in place plans to prevent and reduce serious violence within their local communities. Educational authorities and prisons/youth custody authorities will be under a separate



duty to co-operate with core duty holders when asked, and there will be a requirement for the partnership to consult with all such institutions in their area.

The duty is not intended to replace or duplicate existing safeguarding duties. Local partners may choose to meet the requirements of the duty through existing multi-agency structures, such as multi-agency safeguarding arrangements, providing the correct set of partners are involved.

## **So-called ‘honour’-based abuse (including Female Genital Mutilation and Forced Marriage)**

So-called ‘honour’-based abuse (HBA) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving ‘honour’ often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBA are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBA, or already having suffered HBA.

### **Actions**

If staff have a concern regarding a child who might be at risk of HBA or who has suffered from HBA, they should speak to the designated safeguarding lead (or a deputy). As appropriate, the designated safeguarding lead (or a deputy) will activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with the police and local authority children’s social care. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on **teachers**<sup>37</sup> that requires a different approach (see below).

### **FGM**

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

### **FGM mandatory reporting duty for teachers**

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers**, along with regulated

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<sup>37</sup> Under Section 5B(11)(a) of the Female Genital Mutilation Act 2003, “teacher” means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases may face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should **not** be examining pupils or students, but the same definition of what is meant

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by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at: [Mandatory reporting of female genital mutilation procedural information](#).

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out<sup>38</sup>. Unless the teacher has good reason not to, they should still consider and discuss any such case with the school or college’s designated safeguarding lead (or deputy) and involve local authority children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures. The following is a useful summary of the FGM mandatory reporting duty: [FGM Fact Sheet](#).

Further information can be found in the [Multi-agency statutory guidance on female genital mutilation](#) and the [FGM resource pack](#) (particularly section 13).

## **Forced marriage**

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some perpetrators use perceived cultural practices to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

The Forced Marriage Unit (FMU) has created: [Multi-agency practice guidelines: handling cases of forced marriage](#) (pages 32-36 of which focus on the role of schools and colleges) and, multi-agency statutory guidance for dealing with forced marriage, which

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<sup>38</sup> Section 5B(6) of the Female Genital Mutilation Act 2003 states teachers need not report a case to the police if they have reason to believe that another teacher has already reported the case.

can both be found at [The right to choose: government guidance on forced marriage - GOV.UK \(www.gov.uk\)](#) School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email [fm@fcdo.gov.uk](mailto:fm@fcdo.gov.uk).

In addition, since February 2023 it has also been a crime to carry out any conduct whose purpose is to cause a child to marry before their eighteenth birthday, even if violence,

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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.

## **Additional advice and support**

There is a wealth of information available to support schools and colleges. The following list is not exhaustive but should provide a useful starting point:

### **Abuse**

[Supporting practice in tackling child sexual abuse – CSA Centre of Expertise on child sexual abuse](#) has free evidence-based practice resources to help professionals working with children and young people to identify and respond appropriately to concerns of child sexual abuse.

[What to do if you're worried a child is being abused](#) – DfE advice

[Domestic abuse: Various Information/Guidance](#) – Home Office (HO)

[Faith based abuse: National Action Plan](#) – DfE advice

[Forced marriage resource pack](#)

[Disrespect NoBody campaign - GOV.UK](#) – Home Office website

[Tackling Child Sexual Abuse Strategy](#) – Home Office policy paper

[Together we can stop child sexual abuse](#) – HM Government campaign

### **Bullying**

[Preventing bullying including cyberbullying](#) – DfE advice

### **Children missing from education, home or care**

[Children missing education](#) – DfE statutory guidance

[Child missing from home or care](#) – DfE statutory guidance

[Children and adults missing strategy](#) – Home Office strategy

## **Children with family members in prison**

[National Information Centre on Children of Offenders](#) – Barnardo’s in partnership with HM Prison and Probation Service

## **Child Exploitation**

[Trafficking: safeguarding children](#) – DfE and Home Office guidance

[Care of unaccompanied and trafficked children](#) – DfE statutory guidance

[Modern slavery: how to identify and support victims](#) – HO statutory guidance

[Child exploitation disruption toolkit](#) – HO statutory guidance

[County Lines Toolkit For Professionals](#) – The Children's Society in partnership with Victim Support and National Police Chiefs' Council

[Multi-agency practice principles for responding to child exploitation and extra-familial harm](#) – non-statutory guidance for local areas, developed by the Tackling Child Exploitation (TCE) Support Programme, funded by the Department for Education and supported by the Home Office, the Department for Health and Social Care and the Ministry of Justice

## **Confidentiality**

[Gillick competency Fraser guidelines](#) – Guidelines to help with balancing children’s rights along with safeguarding responsibilities.

## **Drugs**

[Drug strategy 2021](#) – Home Office strategy

[Information and advice on drugs](#) – Talk to Frank website

[Drug and Alcohol education – teacher guidance & evidence review](#) – PSHE Association

## **(So-called) “Honour”Based Abuse including FGM and forced marriage**

[Female genital mutilation: information and resources](#) – Home Office guidance

[Female genital mutilation: multi agency statutory guidance](#) – DfE, Department for Health, and Home Office

[Forced marriage](#) – Forced Marriage Unit (FMU) resources

[Forced marriage](#) – Government multi-agency practice guidelines and multi-agency statutory guidance

[FGM resource pack](#) – HM Government guidance

## Health and Well-being

[Rise Above: Free PSHE resources on health, wellbeing and resilience](#) – Public Health England

[Supporting pupils at schools with medical conditions](#) – DfE statutory guidance

[Mental health and behaviour in schools](#) – DfE advice

[Overview - Fabricated or induced illness](#) – NHS advice

## Homelessness

[Homelessness code of guidance for local authorities](#) – Department for Levelling Up, Housing and Communities guidance

## Information Sharing

[Government information sharing advice](#) – Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers.

[Information Commissioner's Office: Data sharing information hub](#) – Information to help schools and colleges comply with UK data protection legislation including UK GDPR.

## Online safety-advice

[Childnet](#) provides guidance for schools on cyberbullying

[Educateagainsthate](#) provides practical advice and support on protecting children from extremism and radicalisation

[London Grid for Learning](#) provides advice on all aspects of a school or college's online safety arrangements

[NSPCC E-safety for schools](#) provides advice, templates, and tools on all aspects of a school or college's online safety arrangements

[Safer recruitment consortium](#) “guidance for safe working practice”, which may help ensure staff behaviour policies are robust and effective

[Searching screening and confiscation](#) is departmental advice for schools on searching children and confiscating items such as mobile phones

[South West Grid for Learning](#) provides advice on all aspects of a school or college's online safety arrangements

[Use of social media for online radicalisation](#) – A briefing note for schools on how social media is used to encourage travel to Syria and Iraq

[Online Safety Audit Tool](#) from UK Council for Internet Safety to help mentors of trainee teachers and newly qualified teachers induct mentees and provide ongoing support, development and monitoring

[Online safety guidance if you own or manage an online platform](#) – DCMS advice

[A business guide for protecting children on your online platform](#) – DCMS advice

[UK Safer Internet Centre](#) provide tips, advice, guides and other resources to help keep children safe online

### **Online safety- Remote education, virtual lessons and live streaming**

[Guidance Get help with remote education](#) resources and support for teachers and school leaders on educating pupils and students

[Departmental guidance on safeguarding and remote education](#) including planning remote education strategies and teaching remotely

[London Grid for Learning](#) guidance, including platform specific advice

[National cyber security centre](#) guidance on choosing, configuring and deploying video conferencing

[UK Safer Internet Centre](#) guidance on safe remote learning

### **Online Safety- Support for children**

[Childline](#) for free and confidential advice

[UK Safer Internet Centre](#) to report and remove harmful online content

[CEOP](#) for advice on making a report about online abuse

### **Online safety- Parental support**

[Childnet](#) offers a toolkit to support parents and carers of children of any age to start discussions about their online life, and to find out where to get more help and support

[Commonsensemedia](#) provides independent reviews, age ratings, & other information about all types of media for children and their parents

[Government advice](#) about protecting children from specific online harms such as child sexual abuse, sexting, and cyberbullying

[Internet Matters](#) provide age-specific online safety checklists, guides on how to set parental controls, and practical tips to help children get the most out of their digital world

[How Can I Help My Child?](#) Marie Collins Foundation – Sexual Abuse Online

[Let's Talk About It](#) provides advice for parents and carers to keep children safe from online radicalisation

[London Grid for Learning](#) provides support for parents and carers to keep their children safe online, including tips to keep primary aged children safe online

[Stopitnow](#) resource from [The Lucy Faithfull Foundation](#) can be used by parents and carers who are concerned about someone's behaviour, including children who may be displaying concerning sexual behaviour (not just about online)

[National Crime Agency/CEOP Thinkuknow](#) provides support for parents and carers to keep their children safe online

[Parentzone](#) provides help for parents and carers on keeping their children safe online

[Talking to your child about online sexual harassment: A guide for parents](#) – This is the Children's Commissioner's parental guide on talking to their children about online sexual harassment

## **Private fostering**

[Private fostering: local authorities](#) – DfE statutory guidance

## **Radicalisation**

[Prevent duty guidance](#) – Home Office guidance

[Prevent duty: additional advice for schools and childcare providers](#) – DfE advice

[Educate Against Hate website](#) – DfE and Home Office advice

[Prevent for FE and Training](#) – Education and Training Foundation (ETF)

[Extremism and Radicalisation Safeguarding Resources](#) – Resources by London Grid for Learning

[Managing risk of radicalisation in your education setting](#) – DfE guidance

## **Serious Violence**

[Serious violence strategy](#) – Home Office Strategy

[Factors linked to serious violence and how these factors can be used to identify individuals for intervention](#) – Home Office

[Youth Endowment Fund](#) – Home Office

[Gangs and youth violence: for schools and colleges](#) – Home Office advice

[Tackling violence against women and girls strategy](#) – Home Office strategy

[Violence against women and girls: national statement of expectations for victims](#) – Home Office guidance

## **Sexual violence and sexual harassment**

## **Specialist Organisations**

[Barnardo's](#) – UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.



[Lucy Faithful Foundation](#) – UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.

[Marie Collins Foundation](#) – Charity that, amongst other things, works directly with children, young people, and families to enable their recovery following sexual abuse.

[NSPCC](#) – Children's charity specialising in child protection with statutory powers enabling them to take action and safeguard children at risk of abuse.

[Rape Crisis](#) – National charity and the umbrella body for their network of independent member Rape Crisis Centres.

[UK Safer Internet Centre](#) – Provides advice and support to children, young people, parents, carers and schools about staying safe online.

### **Harmful sexual behaviour**

[Rape Crisis \(England & Wales\)](#) or [The Survivors Trust](#) for information, advice, and details of local specialist sexual violence organisations.

[NICE guidance](#) contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.

[HSB toolkit](#) The Lucy Faithfull Foundation - designed for parents, carers, family members and professionals, to help everyone play their part in keeping children safe. It has links to useful information, resources, and support as well as practical tips to prevent harmful sexual behaviour and provide safe environments for families.

[NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#) – free and independent advice about HSB.

[Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school selfassessment toolkit and guidance for addressing HSB in schools.

[Preventing harmful sexual behaviour in children - Stop It Now](#) provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

### **Support for Victims**

[Anti-Bullying Alliance](#) – Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.

[Rape Crisis](#) – Provides and signpost to a range of services to support people who have experienced rape, child abuse or any kind of sexual violence.

[The Survivors Trust](#) – UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.

[Victim Support](#) – Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.

[Childline](#) provides free and confidential advice for children and young people.

## **Toolkits**

[ask AVA](#) - The Ask AVA prevention platform has been created to support education practitioners across the UK to develop and deliver a comprehensive programme to stop Violence Against Women and Girls.

[NSPCC](#) – Online Self-assessment tool to ensure organisations are doing everything they can to safeguard children.

[NSPCC](#) – Resources which help adults respond to children disclosing abuse.

The NSPCC also provides free and independent advice about HSB: [NSPCC – Harmful sexual behaviour framework](#)

[Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire](#) - Peer-on-Peer Abuse toolkit provides practical guidance for schools on how to prevent, identify early and respond appropriately to peer-on-peer abuse.

[Contextual Safeguarding Network](#) – self-assessment toolkit for schools to assess their own response to HSB.

[Childnet – STAR SEND Toolkit](#) equips, enables and empowers educators with the knowledge to support young people with special educational needs and disabilities.

[Childnet – Just a joke?](#) Provides lesson plans, activities, a quiz and teaching guide designed to explore problematic online sexual behaviour with 9–12-year-olds.

[Childnet – Step Up, Speak Up](#) a practical campaign toolkit that addresses the issue of online sexual harassment amongst young people aged 13-17 years old.

[NSPCC – Harmful sexual behaviour framework](#) an evidence-informed framework for children and young people displaying HSB.

Farrer & Co: [Addressing child on child abuse: a resource for schools and colleges](#). This resource provides practical guidance for schools and colleges on how to prevent, identify early and respond appropriately to child-on-child abuse.

## **Sharing nudes and semi-nudes**

[London Grid for Learning-collection of advice](#) – Various information and resources dealing with the sharing of nudes and semi-nudes.

[UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) – Advice for schools and colleges on responding to incidents of non-consensual sharing of nudes and semi-nudes.

## Support for parents/carers

[National Crime Agency's CEOP Education Programme](#) provides information for parents and carers to help protect their child from online child sexual abuse, including [#AskTheAwkward](#), guidance on how to talk to their children about online relationships and local authority notifications.

## Annex F: Table of substantive changes from previous version (September 2022)

This table explains where we made substantive changes.

Summary	About the guidance
Part one	Safeguarding information for all staff
<b>Paragraph 13</b>	<b>Updated link to Behaviour in schools' guidance.</b>
Paragraph 14	New text added to raise awareness of the existing expectation for relevant staff to understand filtering and monitoring.
Part two	The management of safeguarding
Para 103	Added reference to filtering and monitoring.
<b>Paragraph 124</b>	<b>New text added to make clear staff training should include understanding roles and responsibilities in relation to filtering and monitoring.</b>

<b>Paragraph 138</b>	<b>Reference to child protection policies and appropriate filtering and monitoring on school devices and school networks.</b>
Paragraph 142	Added new section referencing the new published filtering and monitoring standards. The standards are to support schools meet their duty to have appropriate/effective filtering and monitoring systems in place, this is not a new burden.
Paragraph 144	Reference to cyber security standards.
Paragraphs 167	Updated to reference Keeping children safe in out-of-school settings.
Paragraph 175	Clarification provided on the difference between children missing education and children absent from education.
Paragraph 202	Additional signpost to specialist organisations for children with special educational needs and disabilities.
Part three	Safer recruitment
Footnote 221	Clarification that it is good practice for schools to inform shortlisted candidates that online searches will be carried out.

Paragraph 276-277	<b>Paragraph re-ordered to flow better.</b>
Part four	<b>Allegations/concerns</b>
New heading and paragraph	Organisations or individuals using school premises.
Part five	Child-on-child sexual violence and sexual harassment
<b>Throughout the guidance</b>	<b>Revised to reflect wording in behaviour guidance.</b>
Annex A	Safeguarding information for school and college staff

	<b>Revised to reflect changes in Part one</b>
<b>Annex B</b>	<b>Further information</b>
Children absent from education	Revised to reflect the difference between children absent from education and children missing education.
Forced Marriage	Reflects change in law from February 2023
Child Exploitation	New reference to multi-agency practice principles