Keeping children Safe in Education (KCSIE) Update 2021

Jatinder Matharu

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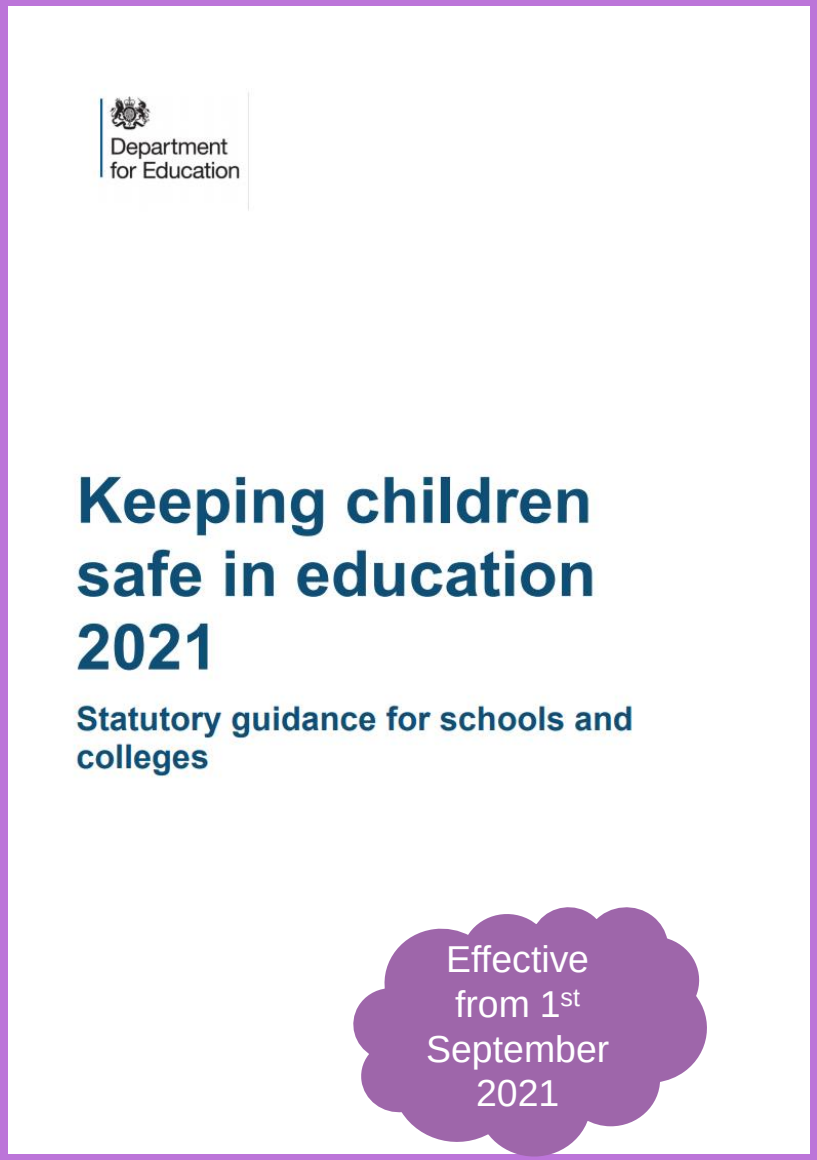

‘Good safeguarding requires a continuing commitment from governing bodies, proprietors, and all staff to ensure the safety and welfare of children is embedded in all it’s organisation’s processes and procedures, and consequentially enshrined in it’s ethos.’

‘The training staff receive ‘including online safety training, is integrated, aligned and considered as part of a whole school or college safeguarding approach and wider staff training and curriculum planning.’

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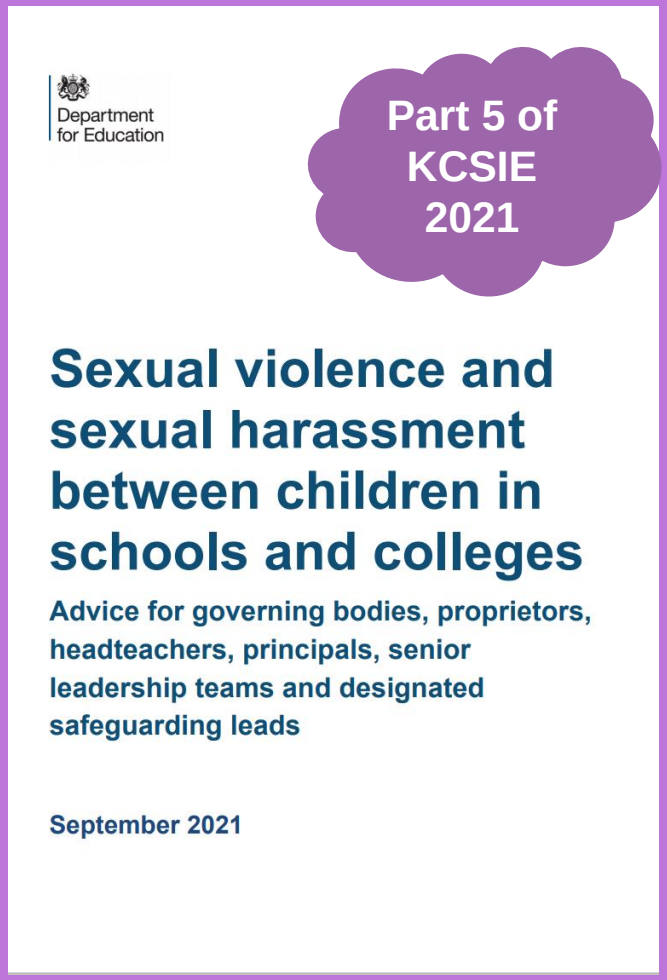
Key themes in KCSIE 2021

- **Whole school safeguarding** culture – zero tolerance to peer on peer abuse.
- Focus on **Peer on Peer abuse**; gathering the narrative for your school/college, wih a focus on **sexual harassment and sexual violence.**
- **Online safety** policy – annual review supported by an annual risk assessment; Considering pupils with skill/interest in computing and technology; links to cyber crime
- **Serious Youth violence**; a range of risk factors which increase the likelihood of involvement in serious violence.
- Due diligence on visitors and contractors
- **Elective Home Education** – Recommend a professionals meeting to consider best interests of the child
- Managing allegations: '**Low-level' concerns** Policy
- Recognise and make an immediate referral if **mental health**, and/ or **domestic abuse** safeguarding concerns

What changes to Keeping Children Safe in Education mean for you

- ✓ Be aware that abuse can happen online, offline, or both
- ✓ Be aware of the added vulnerability of children:
  - With health conditions
  - With mental health needs
  - With a family member in prison or who are affected by parental offending
  - Who are at risk of honour-based abuse (such as FGM or forced marriage)
  - Who are persistently absent from school (including for part of the day)
- ✓ Remember abuse can happen in relationships between children
- ✓ Be aware of risk factors that increase the likelihood of involvement in serious violence
- ✓ Be aware of child abduction and community safety incidents, modern slavery and cybercrime as safeguarding issues
- ✓ Act immediately if you have concerns about sexual violence or harassment. If a child reports an incident, always take this seriously



** Schools will need to update their safeguarding and child protection policies so that it reflects the whole school approach to peer on peer abuse in its many forms.

Sexual violence and sexual harassment (2021)

‘Taking disciplinary action and still providing appropriate support are not mutually exclusive actions.
They can, and should, occur at the same time if necessary.’

‘All staff should be able to reassure victims that they are 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.’

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Ofsted review of sexual abuse in schools and colleges

everyone's invited

- In April, Ofsted was asked by the Secretary of State for Education, Gavin Williamson, to undertake a rapid review of sexual harassment in schools and colleges, after anonymous testimonials of sexual abuse were published on the website 'Everyone's Invited' - https://www.everyonesinvited.uk/

- Inspectors visited 32 schools and colleges, and spoke to over 900 children and young people about the prevalence of sexual harassment, online sexual abuse and sexual violence in their lives and the lives of their peers.

They also spoke to leaders, teachers, governors, local safeguarding partners, parents and other stakeholders, including leading experts in this field, and considered how inspection and statutory guidance could be strengthened.

NEW Dedicated NSPCC helpline 0800 136 663 | help@nspcc.org.uk

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Part 5: Peer-on-Peer

- **sexual violence**, such as rape, assault by penetration and sexual assault

- **sexual harassment**, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse.

- Sexting has been updated to reflect the new UKCIS guidance on the **sharing of nude and semi-nude images** which has replaced their sexting advice.

- **upskirting**, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or to cause the victim humiliation, distress or alarm

Additional forms of peer-on-peer abuse have been added:

Abuse in intimate personal relationships between peers

Causing someone to engage in sexual activity without their consent (for example, forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party)

Also, **prejudice-based and discriminatory bullying** have been added as examples of types of bullying (bullying was already a form of peer-on-peer abuse staff should be aware of)

Part 5: Definition of sexual harassment and sexual violence

Sexual violence:

- **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
- **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

Sexual harassment:

- **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
- **online sexual harassment**. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. 18 It may include:
- **non-consensual sharing of sexual images and video**
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media; and • sexual exploitation; coercion and threats

Part 5: Definition of harmful sexual behavior

Harmful sexual behaviour

Children's sexual behaviour exists on a wide continuum, 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".

The behaviour can be considered problematic if:

- Occurs at a frequency greater than would be developmentally expected
- Interferes with the child's development
- Occurs with coercion, intimidation, or force
- Is associated with emotional distress
- Occurs between children of divergent ages or developmental abilities
- Repeatedly recurs in secrecy after intervention by care givers

Hackett's Continuum of Sexual Behaviour in children

Normal

- Developmentally expected
- Socially acceptable
- Consensual, mutual, reciprocal
- Shared decision making

Inappropriate

- Single instances of inappropriate sexual behaviour
- Socially acceptable behaviour within peer group
- Context for behaviour may be inappropriate
- Generally consensual and reciprocal

Problematic

- Problematic and concerning behaviours
- Developmentally unusual and socially unexpected
- No overt elements of victimisation
- Consent issues may be unclear
- May lack reciprocity or equal power
- May include levels of compulsivity

Abusive

- Victimising intent or outcome
- Includes misuse of power
- Coercion and force to ensure victim compliance
- Intrusive
- Informed consent lacking, or not able to be freely given by victim
- May include elements of expressive violence

Violent

- Physically violent sexual abuse
- Highly intrusive
- Instrumental violence which is physiologically and/or sexually arousing to the perpetrator
- Sadism

Source: Harmful Sexual Behaviour Framework (NSPCC, 2019)

Responding to reports

Manage internally

One-off incidents, dealt with under school's behaviour policy or anti-bullying policy

Early Help

Non-violent harmful sexual behaviours

Refer to Social Care

All incidents where a child has been harmed, is at risk of harm or in immediate danger

Report to Police

All incidents of rape, assault by penetration or sexual assault

Ofsted's Inspecting safeguarding in early years, education and skills (2019) settings

- The current Ofsted framework says that there should be clear and effective arrangements for staff development and training in respect of the protection and care of children and learners. Staff and other adults receive regular supervision and support if they are working directly and regularly with children and learners whose safety and welfare are at risk.

- Ofsted will be looking at how leaders, governors and managers create a positive culture and ethos where safeguarding is an important part of everyday life in the setting, backed up by CPD at every level (evidence of impact).

- Ofsted will explore peer on peer abuse (data and narrative) following the review published in June 2021 (following Everyone's Invited movement).

Whole school approach

‘Whole school and college approach to safeguarding’ this make clear the importance of safeguarding.

Strengthened systems that should be in place and how they should be more child centric. KCSIE 2021

Online safety

The breadth of issues classified within online safety is considerable, but can be categorised into **four areas of risk**:

content: being exposed to illegal, inappropriate or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation and extremism.

contact: being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes'.

conduct: personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images (e.g consensual and non-consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying; and

commerce - risks such as online gambling, inappropriate advertising, phishing and or financial scams. If you feel your pupils, students or staff are at risk, please report it to the Anti-Phishing Working Group (https://apwg.org/)

Online Safety Policy

Governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place.

The school or college should have a clear policy on the use of mobile and smart technology to reflect many children have unlimited access to unrestricted access to the internet.

This access means some children, whilst at school or college, sexually harass their peers via their mobile and smart technology, share indecent images: consensually and non-consensually (often via large chat groups), and view and share pornography and other harmful content.

Schools and colleges should consider carrying out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their children face. A free online safety self-review tool for schools can be found here: Online Safety Self-Review Tool for Schools | 360safe | 360safe

Cyber Crime

Cybercrime: KCSIE 2021

‘Children with particular skill and interest in computing and technology can be inadvertently or deliberately led astray into cyber-dependent crime.’

DSL’s can refer to Cyber choices programme http://www.cyberchoices.uk/

Mental Health support

- Schools have an important role to play in supporting the mental health and wellbeing of their pupils

- Governing boards should ensure there are clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

- If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy, and speaking to the DSL.

- The DfE will be supporting the costs of:
  - A training programme for senior mental health leads to develop a whole school approach to mental health (this should be available by 2025). Also a Wellbeing in Education has been delivered in readiness for the impact of the pandemic and lockdown on mental health and wellbeing.

- The national rollout of the Link Programme

Relationships, Health and Sex Education (RHSE)

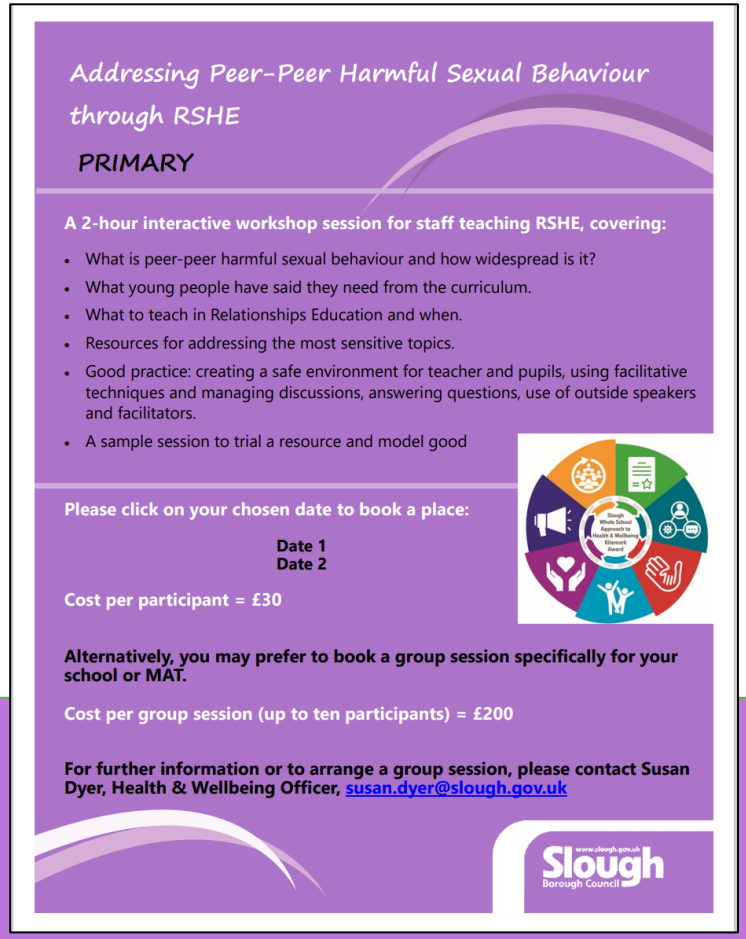
This may include covering relevant issues for **schools** through Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) is compulsory from September 2020.

The statutory guidance can be found here:[Relationships Education, Relationships and Sex Education and Health Education guidance (publishing.service.gov.uk)]

Public Health England: [Rise Above]

Opportunities to teach safeguarding

More support on delivering safeguarding, emotional and mental wellbeing, online safety, bullying, consent in relationships, how to seek help if needed and making informed choices. A sharper focus on peer on peer abuse through RSE.



Addressing Peer-Peer Harmful Sexual Behaviour through RSHE

PRIMARY

A 2-hour interactive workshop session for staff teaching RSHE, covering:

- What is peer-peer harmful sexual behaviour and how widespread is it?
- What young people have said they need from the curriculum.
- What to teach in Relationships Education and when.
- Resources for addressing the most sensitive topics.
- Good practice: creating a safe environment for teacher and pupils, using facilitative techniques and managing discussions, answering questions, use of outside speakers and facilitators.
- A sample session to trial a resource and model good

Please click on your chosen date to book a place:

Date 1
Date 2

Cost per participant = £30

Alternatively, you may prefer to book a group session specifically for your school or MAT.

Cost per group session (up to ten participants) = £200

For further information or to arrange a group session, please contact Susan Dyer, Health & Wellbeing Officer, susan.dyer@slough.gov.uk

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KCSIE 2021: Elective Home Education

Many home educated children have an overwhelming positive learning experience. However, it can also mean some children are less visible to the services that are there to keep them safe and supported.

Where a parent/carer has expressed their intention to remove the child from school…..we recommend that LA's, schools, and other key professionals ….coordinate a meeting with parents/carers where possible.

The House of Commons Education Committee has published a report on elective home education (EHE) in England. Recommendations include: the setting up of a statutory register of children who do not receive their principal education in a mainstream school; and a call to reconsider the creation of an independent role to support parents and carers of children and young people with special educational needs and disabilities who are forced into home schooling partly due to a lack of support

Children and domestic abuse

** New **Domestic Abuse Act 2021**

First ever statutory definition of domestic abuse and recognises …children as victims in their own right. It builds on existing cross-government definition of domestic violence and abuse is: **any** incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: **physical, sexual, economic, emotional abuse and coercive and controlling behaviour**

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. Exposure to domestic abuse and/or violence 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.

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and child/adolescent to parent violence and abuse.

Support for Domestic Abuse

Operation Encompass operates in the majority of police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when 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) 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 support to be given to the child according to their needs. Police forces not signed up to operation encompass will have their own arrangements in place.

Operation Encompass Helpline: Support for Education Professionals. Mon-Fri 10 – 4pm: Call on **0204 513 9990**

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.

Serious Youth Violence

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, 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.

For serious incidents of HSB, and threshold has been met for Tier 3 or 4 support, the Exploitation and Youth Justice Service (EYJS) will provide support through SCF.

Modern Slavery and the National Referral Mechanism

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.

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence.

CCE can include children being forced to work in cannabis factories, being coerced into moving drugs or money across the country (county lines, see page 129 for more information), forced to shoplift or pickpocket, or to threaten other young people.

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 the Modern Slavery Statutory Guidance. Modern slavery: how to identify and support victims - GOV.UK www.gov.uk

Use of school/college premises for non-school activities

When services or activities are provided by the governing body or proprietor, under the direct supervision or management of their school or college staff, their arrangements for child protection will apply.

Where services or activities are provided separately by another body, the governing body or proprietor should therefore **seek assurance** that the body concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting these as needed); and ensure that there are arrangements in place to liaise with the school or college on these matters where appropriate.

External visitors; due diligence

Visiting professionals
Safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

Contractors
Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

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.

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 and www.clevernevergoes.org

Part 3: Safer Recruitment: Low Level concerns

The term ‘low level’ concerns does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold for harm.

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.

This may include:

- Being overfriendly with children
- Having favourites
- Taking photographs of children on their own mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- Using inappropriate sexualised, intimidating or offensive language.

Low Level Concern policy

Governing bodies and proprietors should set out their **low-level concerns policy within their staff code of conduct and safeguarding policies** including:

• ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;

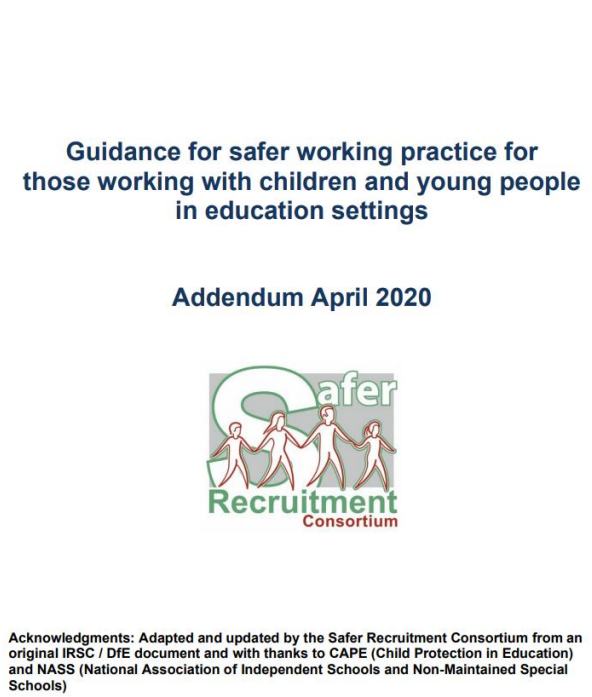
• empowering staff to share any low-level safeguarding concerns as per paragraph 74);

• addressing unprofessional behaviour and supporting the individual to correct it at an early stage;

• providing a responsive, sensitive and proportionate handling of such concerns when they are raised; and,

• helping identify any weakness in the school or colleges safeguarding system.

Low Level policy development



low-level-concerns-guidance-2020.pdf (farrer.co.uk)

Allegations against staff

Consider behaviours that indicate someone may not be suitable to work with children (paragraph 211); *****The harm test*

- Anyone who works in a school or college, including **supply teachers** and volunteers who has:
- Behaved in a way that has harmed, or may have harmed a child.
- Possibly committed a criminal offence against, or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- **behaved or may have behaved in a way that indicates they may not be suitable to work with children** (*transferable risk*)

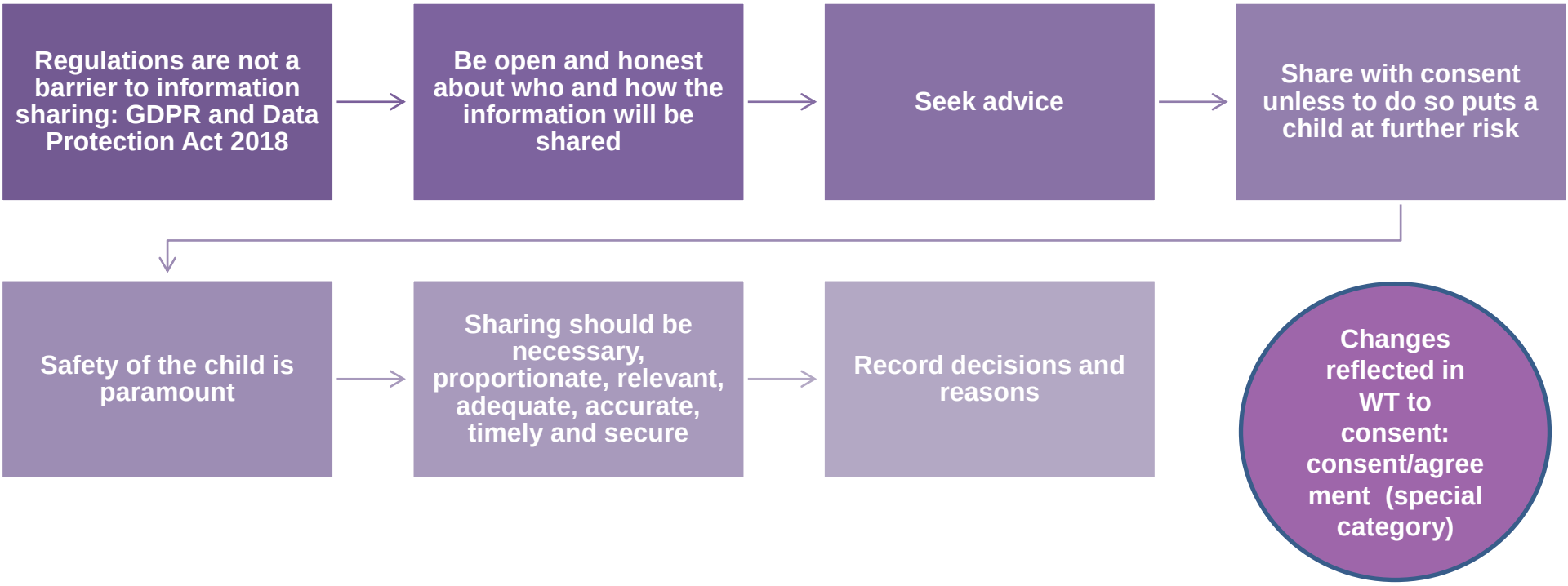
Information sharing 2021

Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including their educational attainment.

Schools and colleges have clear powers to share, hold and use information for these purposes.

Schools and college staff should be proactive in sharing information as early as possible…whether this is when problems are first emerging, or where a child is already known to the LA children's social care.

Information sharing: The basics



Working Together to Safeguard Children can be downloaded here:
https://www.gov.uk/government/publications/working-together-to-safeguardchildren--2

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Action plan!

1. To update the following policies:
   - To include peer on peer abuse in **child protection policy and behaviour policy**

   A model policy is available on the LINK [Safeguarding Policies and Procedures | The Link (slough.gov.uk)]
   - **Online Safety policy**
   - Low Level concern policy to be including in **Code of Conduct Policy**

1. Update procedure – may need to create new processes

2. Inform staff – through training/briefings/induction

3. Implement – review and reflect on changes and apply changes

4. Judge impact – is it actually making a difference? Through assessment.

- A KCSIE 2021 quiz to measure staff understanding
- Provide a copy of KCSIE and request they all read Part 1 and Annex A/B

Download guidance here:[Keeping children safe in education 2021 (publishing.service.gov.uk)]

Thank you

Any questions?

Please direct any questions to:

Jatinder Matharu
Education Safeguarding Professional

Jatinder.matharu@slough.gov.uk
01753 875608