Witness Name: Kate Dixon
Exhibits: KD/001 – KD/235
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THE SOUTHPORT INQUIRY

FIRST CORPORATE WITNESS STATEMENT OF KATE DIXON
ON BEHALF OF
THE DEPARTMENT FOR EDUCATION

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I, Kate Dixon, will say as follows: -

Introduction

1. This corporate witness statement on behalf of the Department for Education ("DfE", "the department" or "we") is made to assist the Southport Inquiry ("the Inquiry") with the matters set out in its request for evidence dated 8 August 2025, as addressed to the department ("the Rule 9 request"). I am authorised to provide this statement on behalf of the department. I and the department are committed to assisting the Inquiry in understanding and learning from the tragic events of Southport and are ready to provide any necessary support and information to aid this important process. I have prepared this statement with extensive support of current DfE officials, the Government Legal Department ("GLD") and Counsel. I have been reliant on them to identify and place before me copies of relevant documents.

2. Since July 2016, I have been employed by the department as a director. I have had various roles, but since 2017 I have had responsibility for national policy on safeguarding in education settings including countering extremism. My current job title is Director of Strategy and Safer Streets. I have been a civil servant since 2002.

3. The Rule 9 request asks me to confirm by way of introductory matters whether I had any direct involvement in any dealings with AR or his family by the department and, if so, what that involvement was. I did not have any involvement with the dealings of AR. On the basis of the available information, DfE also had no dealings with or knowledge of AR or his family prior to the tragic events of 29 July 2024.

4. As explained in more detail below, DfE's role in the Children's Social Care ("CSC") system is not as the direct deliverer of most services. It is responsible for setting the framework for the delivery of education and children's services in England, but it would not generally become involved in dealings with individual young people or their families, which is the responsibility of the relevant local authorities ("LAs"), schools, and so on. Independent bodies such as arm's length bodies ("ALBs") and non-ministerial departments ("NMDs") help ensure the framework set by DfE is adhered to, in line with their own statutory responsibilities. As set out below, the department conducted a review following the atrocities in Southport (Exhibit KD/001 - DFE000008), that my team and I were involved in.

Chapter 1: Role and responsibilities of the Department for Education

5. DfE is a ministerial department, which derives its powers and responsibilities from the Secretary of State for Education ("SSE"). The SSE has a range of legal duties created by Parliament and non-legal responsibilities allocated from time to time by the Prime Minister. The SSE is supported by a number of ministers, each of whom has a portfolio of policy responsibilities. Departmental officials, led by the Permanent Secretary, work to assist SSE and ministers to fulfil their responsibilities and advance their policy objectives.

6. DfE has overall responsibility for setting the policy, accountability and regulatory framework for children's services, including CSC and safeguarding in relation to children (including in Out of School Settings ("OOSS")), and education and training including early years ("EY"), primary and secondary education (including in schools), further education ("FE"), higher education ("HE") and apprenticeships and training.

7. In practice, DfE's role is centred around identifying strategic priorities and desired outcomes for children's services and education and designing the frameworks through which these are to be achieved. This includes developing legislation, statutory and non-statutory guidance, setting national standards, shaping the structure and oversight of service delivery, and determining how funding is allocated to support these objectives. For example, DfE is responsible for government policy and legislation on child safeguarding and protection. Similarly, DfE publishes statutory guidance on areas such as safeguarding, behaviour, and admissions, which schools and LAs must have regard to and should not depart from without good reason. DfE also sets expectations for accountability and performance, such as through Ofsted inspection frameworks and funding conditions, and has powers to intervene where concerns are identified. However, DfE does not directly deliver services. The responsibility for operational delivery, such as running schools, colleges, EY settings, and CSC, rests with LAs, education providers, and other delivery partners, as set out in relevant legislation and guidance, covered in Chapter 3.

8. In the UK, education and CSC is a devolved matter under each of the devolution settlements, with DfE having responsibility for education and CSC in England only. DfE engages the devolved administrations at ministerial and official level on a range of areas covering schools, skills and family policies. At ministerial level, engagement includes the UK Education Ministers Council, which meets to discuss issues of shared interest.

9. DfE's main areas of policy responsibility are:

9.1. Early education and childcare in England. This includes defining the standards for quality and safety through the Early Years Foundation Stage statutory frameworks, shaping the structure of the formal childcare system, and determining eligibility and funding arrangements for early education and childcare entitlements. DfE also leads on policy to support parents and promote the home learning environment. However, DfE does not directly deliver childcare provision. Delivery is carried out by providers, including nurseries, childminders, and pre-schools.

9.2. CSC in England, including systems for children in need, child protection, and looked after children. This includes fostering, kinship care, adoption, alternatives to care, and residential care. LAs are responsible for the actual delivery of CSC services, including safeguarding, child protection, and support for Children in Need and looked after children. LAs work with the other two statutory safeguarding partners (health and police) to safeguard and promote the welfare of all children in a local area.

9.3. The standards, operation and funding of the system for children and young people in the primary and secondary school sectors in England, including interventions where concerns are identified. This includes local authority maintained schools and academies, and provision for children and young people with special educational needs and disabilities ("SEND"). DfE also regulates the independent school sector and has policy responsibility for home education.

9.4. Teaching, learning and training for young people and adults in apprenticeships, traineeships, the FE sector and wider adult learning provision in England.

9.5. Teaching and learning for young people and adults in the HE sector in England.

9.6. Supporting professionals who work with children, young people and their families and adult learners across sectors in England.

10. DfE trusts school leaders and academy trustees to make decisions that reflect the needs and priorities of the children and communities they serve. Over the past two decades, DfE has increasingly shaped and overseen a high-autonomy, high-accountability school system. This approach was formalised in the 2010 White Paper, *The Importance of Teaching* (Exhibit KD/002 - **DFE000178**) which set out a vision for empowering school leaders to make decisions locally, particularly around staffing, curriculum, behaviour, and exclusions, while holding them to account through strengthened performance tables, Ofsted inspections, and improved governance models.

11. The 2010 White Paper also laid the foundation for DfE's academisation programme, which is a central part of DfE's strategy to increase school autonomy while maintaining strong accountability. Academies have greater control over their curriculum, staffing, and finances. This programme began in earnest following the publication of the White Paper and has expanded significantly since, reshaping the governance and operational landscape of England's school system. Some schools choose to become academies and if a school funded by the LA is judged as 'inadequate' by Ofsted then it must become an academy (Exhibit KD/003 - DFE000179). The most recent 2024-2025 schools census showed that more than eight in ten secondary schools (83%) are academies or free schools, educating 82.7% of pupils (Exhibit KD/004 - DFE000029). As relevant to this Inquiry, the Range High School has had academy status since 2011, while both the Acorns School and Presfield High School and Specialist College remain local authority maintained schools.

12. DfE works closely with other government departments ("OGDs") to ensure a coordinated approach to policy affecting children and young people, particularly in areas such as family support, safeguarding and child protection, mental health and online safety. As relevant to the Inquiry, and as set out in more detail below, this includes work in relation to the Prevent duty, on which the Home Office ("HO") is the lead government department. Other examples include work in relation to children in contact with the criminal justice system, child victims of modern slavery and trafficking, and unaccompanied asylum-seeking children.

13. The Rule 9 request asks for an explanation of the Department's relationship to and working arrangements with Ofsted, the Care Quality Commission ("CQC") and the Child Safeguarding Practice Review Panel. DfE works with many non-ministerial government departments, executive agencies, ALBs and other bodies.

Ofsted

14. The Office for Standards in Education, Children's Services and Skills ("Ofsted") (Exhibit KD/005 - DFE000027) was established by the Education and Inspections Act 2006. It is a non-ministerial government department and independent inspectorate, led by His Majesty's Chief Inspector ("HMCI"). Its remit includes inspections of state-funded schools and post-16 education provision, and inspection and regulation of EY and CSC.

15. The SSE is responsible for the policy framework within which Ofsted operates. SSE's statutory powers in respect of Ofsted are set out in the Education and Inspections Act

2006. The Ofsted chair and other board members are appointed by the SSE. HMCI is a Crown appointment.

16. HMCI is statutorily responsible for Ofsted's inspection and regulatory work. As the senior official and accounting officer of Ofsted, HMCI is accountable to Parliament. HMCI responds to written Parliamentary Questions and gives evidence to the Education Select Committee and other committees.

17. Ofsted must have regard to a number of matters as set out in the Education and Inspections Act 2006, and the HMCI must, in carrying out their work, have regard to such aspects of government policy as SSE may direct.

18. HMCI devises Ofsted's inspection frameworks and methodology for inspection and is responsible for the conduct of inspections. Ofsted's inspection findings are reported entirely independently. Through Ofsted's inspections, DfE can monitor educational and care standards and trigger intervention where it is needed. HMCI reports annually to Parliament on the quality of education and care and provides advice to government.

19. While Ofsted and DfE are separate government departments that operate independently with distinct roles and responsibilities, most of Ofsted's work relates to education and social care for children and young people, for which policy is made and implemented by DfE. As such, the two departments work closely together on matters of common interest. These arrangements include, but are not limited to, regular meetings between the SSE and HMCI, Permanent Secretary and HMCI and regular contact between Ofsted and DfE policy teams.

Care Quality Commission

20. The CQC is the independent regulator of health and adult social care services in England. It is an executive non-departmental public body sponsored by the Department of Health and Social Care ("DHSC") (Exhibit KD/006 – DFE000028).

21. DfE interacts with the CQC primarily through joint work on the inspection and improvement of services for children and young people with SEND. DfE collaborates with CQC and Ofsted in the development and oversight of the Area SEND inspection framework (Exhibit KD/007 - DFE000091), which evaluates how effectively local area partnerships, including education, health, and social care bodies, work together to improve outcomes for children and young people with SEND. This partnership includes contributing to the design of inspection criteria, reviewing findings, and supporting reforms to the SEND

system. The latest version (Exhibit KD/007 – DFE000091) was published in June 2025. Previous versions were published in November 2022 (Exhibit KD/008 - DFE000137) and June 2016 (Exhibit KD/009 - DFE000138).

22. While DfE holds a direct Memorandum of Understanding ("MoU") (Exhibit KD/010 - DFE000030) with Ofsted for the delivery of Area SEND inspections, its relationship with CQC is governed by a separate MoU, and collaboration with CQC typically occurs within the broader context of joint working across all four agencies (DfE, NHS England ("NHSE"), CQC and Ofsted) rather than through a standalone bilateral partnership.

23. While CQC and Ofsted conduct the inspections, DfE uses the insights gathered to inform policy development and system-level improvements. The framework also reflects statutory guidance produced jointly by DfE and DHSC.

Child Safeguarding Practice Review Panel

24. The Child Safeguarding Practice Review Panel ("the Panel") is an Independent Expert Committee established under the Children Act 2004. It retains operational independence from DfE and operates under the relevant legislation and statutory guidance as set out in *Working Together to Safeguard Children 2023*' (Exhibit KD/011 - DFE000106). Its core responsibilities include identifying cases that raise complex or nationally significant issues, commissioning national reviews, and promoting system-wide learning to improve multi-agency safeguarding practice.

25. The Panel can carry out national reviews and make recommendations for improvements on issues which are complex or of national importance (Exhibit KD/012 - DFE000236). They also share learning from serious incidents via a number of different channels including practice guidance, online learning events, and thematic reports. The Panel also produce an annual report, summarising key learning from notified cases that year to aid practitioners and policy makers.

26. The Panel considers all serious incidents which are notified to them by LAs and the other safeguarding partners (serious incident notifications or "SINs"), along with 'Rapid Review' reports and the outcomes of local child safeguarding practice reviews ("LCSPR"s). They oversee the statutory learning process from serious incidents across all these review stages, which are carried out locally by the LA, police and health (the "safeguarding partners" for a local area). Local partners work together to analyse what could have been done differently or any missed opportunities and produce a 'rapid review' for the Panel to

consider within 15 days of the incident occurring. The Panel will work with local safeguarding partners to ensure learning is developed to help better protect children in future. They will consider any relevant national lessons and work with the DfE and OGDs to inform policy development and sector guidance.

Chapter 2 – Overview of the Department for Education involvement

27. This chapter provides a chronological outline of any involvement which the department had with AR and/or his family, or relevant engagement with the schools attended by AR, between October 2019 and 29 July 2024.

28. Following careful searches, DfE has identified no record of any such involvement with AR and/or his family, despite extensive searches. As explained above, the department would not typically have such involvement with individual children and young people or their families. Responsibilities for individual children and young people are shared across a range of local services and agencies, depending on the child's circumstances. These include LAs, education and childcare settings, CSC, police, health services, and the voluntary and community sector. For the purposes of DfE's remit, the primary responsibilities typically lie with LAs and education and childcare providers.

29. DfE does obtain and retain data from outside bodies, including schools, for statistical and research purposes, for use in policy development, and to allocate funding to schools and education settings.

30. This data includes data about AR but DfE did not review any data relating to AR prior to the attack.

31. DfE major collections include the termly school census (Exhibit KD/013 - DFE000092), the alternative provision ("AP") census (Exhibit KD/014 - DFE000093), the special educational need survey (Exhibit KD/015 – DFE000180), and the Children in Need census (Exhibit KD/016 - DFE000094). It is also provided with individual attendance data. DfE also gathers information from awarding bodies on pupils' achievements in national curriculum tests and public exams.

32. DfE holds data relating to all individual learners in a National Pupil Database ("NPD") (Exhibit KD/017 - DFE000181). This is a collation of data provided by schools, LAs and awarding bodies about individual learners in England, and covers education, skills and children's services. The NPD brings together data collected in the school census with other individual level DfE data matched to results for national curriculum tests and public examinations.

33. DfE does not access or monitor individual pupil-level data for operational purposes. The day-to-day management of individual pupils is delegated to education settings, LAs and CSC services. DfE did not request or review any information specifically relating to AR

until after the Southport attack. Any information held by DfE concerning AR was obtained through routine data collections, such as the school census, and is retained for statistical and research purposes. This data was not used to inform any decisions or actions prior to the incident. Aside from the data held in the NPD and individual attendance data, DfE held no information in relation to AR in advance of the attack.

34. During the relevant period, DfE had indirect, high-level interactions with the schools attended by AR, relating to matters such as funding and the provision of statutory and non-statutory guidance – in the same way as for all schools across England. DfE's engagement with schools in England is focused on supporting the overall functioning and effectiveness of the education system, rather than involvement in day-to-day operational decisions or internal management of individual schools.

35. Similarly, while DfE would have had indirect involvement with CSC services through policy and funding mechanisms, it had no operational role or case-level engagement with AR or any services supporting him. DfE is also not aware of any correspondence relating to AR during the specified period.

Chronology of AR's engagement with education and local services

36. In January 2025, following the sentencing of AR, and for the purpose of briefing ministers, DfE subsequently reviewed (and disclosed to the Inquiry (Exhibit KD/018 - DFE000001) the internal data held on AR. The information found during the internal review is listed below. We are continuing to check for further data held on AR – specifically data provided by LAs in the special educational needs survey. Any data identified will be disclosed to the Inquiry. We have also set out an overview of AR's engagement with relevant education and local services between 2016 and 2024, based on the NPD and attendance data, and have explained what some of the data entries mean.

37. A Child in Need referral was first made for AR on 30 September 2016, with the referral source recorded as "individual". DfE publishes guidance for LAs on the Child in Need census. The guidance includes more information and the full list of referral codes (Exhibit KD/019 - DFE000182). The referral was closed on 10 January 2017, with the reason recorded as "services ceased for other reason, including child no longer in need." DfE does not hold any internal records on this referral or on who made the decision to close this case. These decisions would have been taken at a local level.

38. AR joined Range High School in September 2017, where his attendance was initially good. He was permanently excluded in October 2019, with “other” listed as the reason, and officially removed from the school roll in November 2019. Exclusion codes for schools in 2019 were bullying, damage, drug and alcohol related, persistent disruptive behaviour, physical assault against a pupil, physical assault against an adult, racist abuse, sexual misconduct, theft, verbal abuse or threatening behaviour against a pupil, verbal abuse or threatening behaviour against an adult and 'other'.

39. In September 2020, we expanded the reason for exclusions which includes the addition of use or threat with an offensive weapon or prohibited item and allowed schools to record up to three types of behaviour which led to the decision to exclude. For example, a school could confirm persistent disruptive behaviour and violence towards other adults and children was the reason for exclusion.

40. Following his exclusion, AR was enrolled at Acorns School (AP) in October 2019, where he, at least initially, received one-to-one tuition. DfE guidance defines AP as education arranged by LAs for children of compulsory school age who, because of exclusion, illness or other reasons, would not otherwise receive suitable education, or education arranged by schools for children on a suspension (fixed period exclusion) and for children being directed by schools to off-site provision to receive education intended to improve their behaviour. AR’s attendance declined, with most absences recorded as “other authorised absence”. While DfE does not hold any further information regarding the specific circumstances that permitted AR’s authorised absence, these types of absences can commonly include situations where a school has imposed a part-time timetable.

41. AR was the subject of a second Child in Need referral in December 2019, made by the police and citing “abuse or neglect” as the primary need. This case was closed in March 2020 after assessment with no further action taken. DfE does not hold any internal records on this referral or on who made the decision to close this case. These decisions are taken at a local level.

42. In October 2020, Acorns School recorded AR as having an education, health and care (“EHC”) plan identifying AR as a pupil with a particular level of special educational need. Our records show that AR had an EHC plan from October 2020 until at least May 2024 (see paragraph 84 for more information on EHC plans).

43. His attendance at Acorns School continued to decline across subsequent academic years, with significant periods of authorised and unauthorised absence. He was entered for GCSEs in English and Mathematics but did not achieve a grade.

44. In March 2022, AR was enrolled at Presfield High School and Specialist College (community special school). Special schools are schools that are specially organised to make special educational provision for pupils with SEN. Community schools, which are sometimes called local authority maintained schools, are schools that are not influenced by business or religious groups and follow the national curriculum (Exhibits KD/020 - DFE000183 and KD/021 - DFE000184). AR's attendance remained extremely low (6.25% in academic year 21/22, 1.39% in academic year 22/23 & 0% in academic year 23/24). According to the NPD, he remained on roll at Presfield through years 11, 12, and 13, with his last recorded enrolment in May 2024. We have set out the relevant DfE guidance and policies on severe absence in Chapter 3, paragraphs 73 and 75.

Chapter 3 – Applicable policies and guidance relating to AR

45. This chapter sets out DfE's policies, guidance, and resources relevant to the issues under investigation by the Inquiry.

46. Our views on the adequacy and appropriateness of the guidance covered in this chapter are set out below. While a formal, department-wide lessons learned process has not yet been undertaken for each piece of guidance within the Inquiry's scope, we have provided reflections where possible in the sections that follow, in addition to some broader lessons learned in Chapter 6. The department remains committed to continuous improvement; guidance is regularly reviewed and updated as required, and the department continues to reflect on emerging insights to ensure it remains appropriate and effective.

47. Since 2024, DfE has also introduced a range of policy and guidance updates aimed at strengthening safeguarding, improving attendance, enhancing online safety, and supporting schools in managing complex risks. These changes reflect both sector feedback and, in some instances, DfE's reflections on the events under investigation. These improvements are also reflected under the relevant headlines below.

DfE's role in issuing guidance

48. DfE produces a wide range of statutory and non-statutory guidance for schools, LAs and the wider education sector:

    48.1. Statutory guidance is issued by SSE pursuant to specific powers contained in Acts of Parliament, and sets out what organisations, such as schools and LAs, *must* do to comply with the law, and *should* do in the exercise of their statutory functions or duties. Statutory guidance is not law and does not create mandatory legal obligations but does carry legal weight. The organisations required by legislation to have regard to specific statutory guidance are expected to follow it unless they have a clear and justifiable reason not to. Failure to comply can leave organisations, including schools, open to legal challenge if they cannot demonstrate that they have carefully considered the guidance and provided cogent reasons to depart from it.

    48.2. In contrast, non-statutory guidance is not issued pursuant to any legal power conferred on DfE and therefore carries less weight than statutory guidance. It is designed to assist organisations in complying with their legal obligations, and offers best practice recommendations, but organisations retain the flexibility to adopt their own processes based on their specific needs, circumstances and preferences.

Non-statutory guidance often complements statutory guidance (and statutory obligations) by providing additional resources or recommendations. Because non-statutory guidance is non-binding, DfE has no power to enforce it; however, non-statutory guidance is generally a relevant consideration that schools would be expected to take into account. Ofsted considers schools' policies when inspecting them and issuing reports.

49. DfE reviews and updates its guidance to reflect changes in legislation, policy priorities, and respond to emerging issues and evidence-based practice across the relevant sectors.

50. All guidance is published on GOV.UK (Exhibit KD/022 - **DFE000095**), where it is organised by topic (e.g. safeguarding, curriculum, governance). DfE uses a structured content design process to promote clarity and accessibility. Specialist content, such as statutory guidance and policy papers, is managed by DfE's digital communications team and tailored for professionals in the sector. Education content that is aimed at the general public is called mainstream content. This is owned and managed by the Government Digital Service ("GDS").

51. In addition to issuing statutory and non-statutory guidance, DfE ensures schools are aware of and can access this information through a structured and multi-channel communication approach. All new or updated guidance is published on GOV.UK (Exhibit KD/022 - **DFE000095**). This is the primary source for school leaders, governors, and administrators to find authoritative information on legal duties, operational expectations, and best practice.

52. Those responsible for managing schools are expected to refer to statutory guidance regularly to ensure compliance with legal duties and to remain informed of policy developments. This expectation is articulated in several statutory documents. For example, the *Working Together to Improve School Attendance* guidance (2022, 2024) (Exhibits KD/023 - **DFE000097** and KD/024 - **DFE000103**) states that governing bodies must ensure school leaders fulfil statutory duties and regularly review attendance data to support improvement. Additionally, the *Maintained Schools Governance Guide* 2024 (Exhibit KD/025 - **DFE000185**) outlines how governing bodies should meet their legal and regulatory responsibilities, including compliance with statutory guidance across areas such as safeguarding, curriculum, and school attendance.

53. To ensure visibility and engagement with this guidance, DfE uses a range of targeted communication channels:

53.1. All users can register for alerts to be notified when new or updated content is published on GOV.UK relating to specific organisations or topics.

53.2. For any substantive updates to GOV.UK, DfE includes a change note on the page which:

53.2.1. Alerts any user who is subscribed to the page that an updated section has been published.

53.2.2. Remains as a permanent record on the page of all changes to the content over time.

53.3. DfE Connect: Launched in April 2024, this centralised digital platform provides school leaders and business professionals with streamlined access to guidance, deadlines, and operational services. It is designed to be the primary interface for schools to receive tailored updates and manage key tasks.

53.4. Emails and GOV.UK Notify (Exhibit KD/026 – **DFE000090**): These are used to deliver targeted updates and reminders directly to schools, often linked to statutory duties, operational deadlines, or urgent policy changes. This ensures that schools receive timely alerts and can act accordingly.

53.5. Sector newsletters and social media: These channels help disseminate broader policy developments and sector-wide updates. They are particularly effective for engaging a wider audience, including school governors, LAs, and education professionals.

53.6. Blogs and stakeholder engagement: DfE blogs are used to share best practice, highlight sector innovations, and explain policy changes in accessible language. They also serve as a feedback mechanism, allowing DfE to remain in listening mode and respond to sector concerns.

53.7. Ministerial speeches and press notices: SSE and ministers regularly make speeches and issue press notice which bring attention to various policies and guidance.

54. In addition to direct communications from DfE, many schools also rely on third-party services, both paid and unpaid, to stay informed about policy changes, statutory guidance, and sector developments. These services include commercial education platforms, legal and HR advisory services, and sector-specific newsletters. Furthermore, LAs often provide tailored support to local authority maintained schools, including regular updates, training, and information on national guidance. Trade unions and academy trusts also have resources to support schools to understand and comply with guidance.

55. Responsibility for ensuring schools (and, as relevant, governors and head teachers) have regard to statutory guidance varies but this is often checked during Ofsted inspections; in some cases, the LA will be responsible for ensuring guidance is considered.

56. All schools must have a complaints policy. If any parent feels a school is failing to meet any of its statutory obligations a complaint can be raised via the school's complaints procedure.

57. While DfE provides extensive written guidance to schools and LAs, it does not routinely offer direct training to schools on how to implement this guidance. This reflects DfE's longstanding policy of promoting school autonomy, whereby schools are given significant flexibility in how they deliver their responsibilities, including curriculum, staffing, and operational decisions. DfE's role is to set out statutory obligations and best practice through published guidance, while enabling schools to determine how best to meet those duties within their own specific context.

Reflections on the adequacy and appropriateness of DfE guidance

58. Across all the relevant policy areas captured in this chapter, including safeguarding, SEND, attendance, suspensions and permanent exclusions, use of reasonable force, searching and screening, Prevent, bullying, mental health and information technology, DfE considers that its guidance, which is further set out below, was appropriate and adequate at the time of publication. Guidance was developed in line with statutory duties, sector engagement, and evolving policy priorities, and was designed to be clear, practical, and accessible to those responsible for implementation, including schools, LAs, and other education providers.

59. In almost all cases, the fulfilment of duties set out in DfE guidance rests with local actors, including schools, governing bodies, and LAs. As highlighted earlier in this statement in paragraph 4, DfE does not routinely intervene in individual cases. However, where specific

events or sustained feedback have highlighted the need for improvement, for example and as covered below in paragraphs 235 and 165, the Child Q incident or the challenges posed by the COVID-19 pandemic, DfE has acted to update and strengthen its guidance accordingly.

60. DfE produces a substantial volume of guidance across a wide range of policy and operational areas. While this reflects the complexity of the system and the need to support education staff and practitioners with clear expectations, we recognise that there is a balance to be struck. We are mindful of the need to ensure that the most important messages stand out, for example via our communication channels listed above in paragraphs 50–51, and that guidance remains accessible, proportionate, and manageable for those who rely on it.

61. DfE's Regions Group and Regional Directors play a key role in supporting both LAs and schools in delivering a number of key programmes emerging from the Schools White Paper, the SEND and AP Green Paper, and the Independent Review of Children's Social Care (Exhibits KD/027 – **DFE000215**, KD/028 - **DFE000216** and KD/029 - **DFE000204**). These programmes provide vital insight into how national policy is being implemented on the ground, ensuring that local needs inform policy development and that strong governance is maintained. Ministers receive regular reports from Regional Directors to maintain oversight of these programmes and stay informed about significant operational matters across the regions.

62. DfE seeks to continuously learn and improve and will always update guidance where changes are evidence-based, deliverable and likely to have meaningful impact.

Relevant guidance

63. The Rule 9 request asks for an overview of the key policies and guidance issued by the department in relation to the following topics:

    a. Attendance/missing education, including the steps that should be taken by schools to re-engage pupils who are not regularly attending;

    b. SEND and EHC plans including, in particular, in relation to Autism Spectrum Disorder ("ASD");

    c. Safeguarding, including information sharing between agencies;

    d. Information sharing to protect vulnerable children and families;

e. Reporting of serious harm incidents to the DfE, Ofsted and the Child Safeguarding Practice Review Panel;

f. Pupils classified as 'Children In Need';

g. COVID-19-related_restrictions_to_education, and in particular how 'Children In Need' and children with SEND were to be managed during the COVID-19 pandemic;

h. Suspensions and permanent exclusions of pupils from mainstream education, removal from the school roll and termination of funding;

i. Use of force in schools;

j. Searching, screening and confiscation;

k. Prevent and radicalisation;

l. Mental health;

m. Bullying;

n. Pupils' access to information technology, including: online safety; supervision, monitoring and/or filtering (by firewalls or otherwise) of pupils' internet usage by schools; record keeping requirements for schools in relation to the internet usage of their pupils; social media usage; access to internet during IT lessons;

o. Risk assessments of pupils and security measures for classes;

p. The handover of information where a pupil moves schools (in particular, information relating to incidents which took place and/or risks which were identified by a previous school).

64. An overview of the guidance on each of these topics in turn below, together with (as requested) an explanation of guidance likely to be of relevance to the issues to be considered by the Inquiry (and, as requested, an explanation for why it is considered potentially relevant to the Inquiry's work), how the department expects them to be applied, details of any training provided by the department in relation to the policies/guidance, and the steps taken by the department to ensure that the policies and guidance were known and satisfactorily applied by schools.

65. DfE guidance, both statutory and non-statutory, is intended to form a single, coherent scheme designed to promote the safety, wellbeing and attainment of children and young people, with individual pieces of guidance to be read together as relevant to the particular circumstances and needs.

66. Based on the information about AR available to DfE, the following pieces of guidance may be of particular relevance to the Inquiry:

i. *School Attendance*, July 2019 and later renamed *Working together to Improve School attendance*, May 2022 and August 2024 (Exhibits KD/030 - DFE000096, KD/023 - DFE000097 and KD/024 - DFE000103)

ii. *Exclusion from maintained schools, academies and pupil referral units in England,* published in 2017 (Exhibit KD/031 - DFE000098)

iii. *Special educational needs and disability code of practice: 0 to 25 years,* published jointly by DfE and DHSC in 2014 (Exhibit KD/032 - DFE000099). Please note that we use DHSC to refer also to its predecessor departments (such as the case with this guidance)

iv. *Working Together to Safeguard Children 2018* (Exhibit KD/033 - DFE000100) and *Working Together to Safeguard Children 2023* (Exhibit KD/011 - DFE000106)

v. *Keeping children safe in education*, first published in 2015 (Exhibits KD/034 - DFE000222, KD/035 - DFE000198, KD/036 - DFE000223, KD/037 - DFE000152, KD/038 - DFE000224, KD/039 - DFE000225, KD/040 - DFE000226, KD/041 - DFE000227, KD/042 - DFE000228, KD/43 - DFE000135, KD/044 - DFE000229 KD/045 - DFE000136, KD/046 - DFE000230, KD/047 - DFE000231, KD/048 - DFE000232, KD/049 - DFE000233, KD/050 - DFE000234, KD/051 - DFE000019, KD/052 - DFE000056 and KD/053 - DFE000235)

vi. *Health and Safety: Responsibilities and Duties for Schools*, first published in 2013 (Exhibits KD/054 - DFE000251, KD/055 - DFE000241 KD/056 - DFE000164, KD/057 - DFE000242 and KD/058 - DFE000163)

vii. *School and College Security,* first published in 2019 (Exhibits KD/059 - DFE000160, KD/060 - DFE000243 and KD/061 - DFE000156)

viii. *Use of Reasonable Force in Schools*, first published in 2013 (Exhibit KD/062 - DFE000054)

ix. *Searching, Screening and Confiscation*, first published in 2014 (Exhibits KD/063 - DFE000118, KD/064 - DFE000117 and KD/065 - DFE000116)

x. *Behaviour in schools*, first published in 2013 (Exhibits KD/066- DFE000120, KD/067 - DFE000150 and KD/068 - DFE000119)

xi. *The Prevent Duty: Safeguarding Learners Vulnerable to Radicalisation*, first published in 2022 (Exhibits KD/069 - DFE000122, KD/070 - DFE000123 KD/071 - DFE000124, KD/072 - DFE000125, KD/073 - DFE000126 and KD/074 - DFE000144)

xii. *Promoting Children and Young People's Mental Health and Wellbeing*, first published in 2015 (Exhibits KD/075 - DFE000132, KD/076 - DFE000131 and KD/077 - DFE000062)

xiii. *Mental health and behaviour in schools,* first published in 2014 (Exhibits KD/078 - DFE000244 and KD/079 - DFE000149)

xiv. *Preventing and Tackling Bullying*, first published in 2013 (Exhibit KD/080 – DFE000068, KD/081 - DFE000245 and KD/082 - DFE000246)

xv. *Information sharing: advice for practitioners providing safeguarding services*, first published March 2015, updated in July 2018, and May 2024 (Exhibits KD/083 – DFE000247, KD/084 – DFE000248 and KD/085 – DFE000111)

a. Attendance and children missing education

67. Parents have a duty, under section 7 of the Education Act 1996, to ensure that their child of compulsory school age (approximately age 5 to 16) receives an efficient full-time education either by attendance at school or otherwise. If parents choose to register their child at school, the law places a duty on the parents to ensure their child of compulsory school age attends school regularly.

68. Section 444 of the Education Act 1996 sets out the situations in which an absent pupil will not be taken to have failed to attend school regularly. These are, broadly, where the school has given permission; where they are prevented from attending by sickness or other

unavoidable causes; where their family is marking a day reserved for religious observance; or where the LA has failed to fulfil any duty it has to help them get to school.

69. If parents have registered their child at school but fail to ensure they attend regularly, they may be committing an offence and can be issued (usually by the relevant LA) with a penalty notice (if the school is a state school) or prosecuted. The decision to prosecute a parent rests with the LA whose officers are best placed to assess the family's circumstances and decide upon the most appropriate course of action. If the child is not receiving suitable full-time education the LA may also, in some cases, issue a school attendance order. Schools (including AP schools) in England are legally required to maintain accurate admission and attendance registers, follow up on absences, and notify LAs of irregular attendance. These duties were grounded in the Education Act 1996, the Education (Pupil Registration) (England) Regulations 2006 as amended, (the 2006 Regulations were replaced by the School Attendance (Pupil Registration) (England) Regulations 2024). The 2024 Regulations restate the requirement for schools to keep detailed records) and accompanying guidance. In July 2019, DfE published guidance *School attendance: Guidance for maintained schools, academies, independent schools and local authorities* (Exhibit KD/030 - **DFE000096**) saying that schools and LAs should promote good attendance and reduce absence (including persistent absence) and ensure every pupil has access to full-time education. It also reiterates DfE's longstanding expectations that parents perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly, and for pupils to be punctual to their lessons.

70. On 6 May 2022, DfE published and promulgated more detailed guidance *Working together to improve school attendance* (Exhibit KD/023 - **DFE000097**). The guidance was thereafter supplemented by a guide to parents (Exhibit KD/086 – **DFE000101**) (1 August 2023) and a toolkit and example letters for schools (Exhibit KD/087 - **DFE000102**). This guidance remained in place until it was revised and republished as statutory guidance in August 2024 (Exhibit KD/024 - **DFE000103**). Given that AR's attendance at both The Acorns School and Presfield High School and Specialist College was consistently low, with a marked decline between 2021 – 2024, this guidance appears likely to be of relevance to the Inquiry's work.

71. In summary, the guidance provides advice concerning issues such as monitoring and managing attendance, the importance of early intervention, and the value of close collaboration between schools, families and local services to improve attendance. It

provides a clear framework for schools, LAs, and partners to work together to identify barriers, offer targeted support, and take proportionate action with the objective of improving attendance.

72. As explained above, the 2022 version of *Working together to improve school attendance* (Exhibit KD/023 - DFE000097) was replaced with statutory guidance *Working together to improve school attendance* with effect from 19 August 2024 (Exhibit KD/024 - DFE000103).The statutory guidance was accompanied by a *Summary table of responsibilities for school attendance* (Exhibit KD/088 – DFE000104), which was itself also statutory guidance. As set out in the *Working Together to Improve School Attendance* guidance (2022 and 2024) (Exhibits KD/023 - DFE000097 and KD/024 - DFE000103), for severely absent pupils (those missing over 50% of school), schools and LAs are now expected to agree joint approaches to ensure that all services prioritise support for them (these typically comprise a joint action plan and/or a whole family plan, consideration of an EHC plan, or AP). The statutory guidance expects LAs to be especially conscious of any potential safeguarding issues, ensuring joint working between the school, CSC services and other statutory safeguarding partners. Where appropriate, this could include conducting a full CSC assessment and building attendance into Child in Need and child protection plans.

73. Prior to 2022, *the School Attendance guidance (2019)* (Exhibit KD/030 - DFE000096) did not use the term severe absence, but set out that the government expects schools and LAs to promote good attendance and reduce absence, including persistent absence which would include any pupil missing more than 10% of school, ensure every pupil has access to full-time education to which they are entitled, and act early to address patterns of absence. The *Working together to improve attendance in schools* (2022 and 2024 versions) guidance (Exhibits KD/023 - DFE000097 and KD/024 - DFE000103) includes an expectation that academy trusts and governing bodies ensure staff receive suitable training on attendance, school leaders fulfil expectations and statutory duties, and they play an active role in attendance improvements. It is also made clear that LAs are expected to have a school attendance team which works with all schools in their area and provide a named point of contact who can support schools with queries and advice. LAs are also expected to hold regular conversations with every school to identify pupils who are severely absent or at risk of becoming so and provide access to relevant services (such as family help, transport or housing).

74. LAs have a statutory duty to promote the educational achievement of all children in their care, wherever they live or are educated and, since 2014, are required to appoint an officer, commonly known as the Virtual School Head to discharge this duty. Since 2018, Virtual School Heads have also had responsibility to promote the educational achievement of children who left care through adoption, special guardianship or child arrangements orders, through the provision of information and advice, upon request, to teachers, parents, and others. In 2021, the Virtual School Head role was extended on a non-statutory basis to promote the educational achievement of all children with a social worker, building on a key recommendation in the Children In Need review (Exhibit KD/089 – **DFE000211**).

75. Schools are accountable for the attendance and absence of their pupils. DfE provides clear policies and guidance on managing absence (including severe absence) by providing access to appropriate support and where necessary AP, as well as the use of penalty notices and other legal interventions by relevant authorities where support is not appropriate, not engaged with or does not work. It has been mandatory since August 2024 for most schools to submit attendance data directly to DfE, which most of them do via their Management Information Systems. This data is processed by DfE and presented back to schools and local authorities in a dashboard. Schools, academy trusts and LAs can monitor live attendance data throughout the year using this dashboard and intervene where necessary. National figures are also published fortnightly. While this routine data collection only became a requirement in August 2024, 90% of schools have been providing similar data since March 2024, including both the Acorns School and Presfield High School and Specialist College. Ofsted also request up to date attendance analysis at the start of a school inspection.

Reflections

76. The 2019 'School Attendance' guidance and the attendance legal system outlines the longstanding duties set out in the Education Act 1996 for parents, schools and LAs to ensure attendance of pupils of compulsory school age and where absence becomes an issue to enforce or provide AP.

77. Improving attendance has been an increasing priority since the pandemic. This has led to additional statutory guidance designed following public consultation to further set how we expect these duties to be fulfilled. The 2022 version of the *Working together to improve attendance* guidance (Exhibit KD/023 - **DFE000097**) was developed following public consultation and considered appropriate and adequate. The 2022 guidance was well received and implemented by many schools and LAs. Ahead of the guidance being

republished in 2024, the document was updated further (Exhibit KD/024 - **DFE000103**) to improve it based on experiences of implementation and further sector feedback gathered during the two years. Updates included strengthening the link between attendance and wider school culture, the importance of working in partnership with families to find supportive routes to improve attendance and technical updates to reflect changes to legislative framework.

78. Aside from guidance, schools have been legally required to notify the LA if a child was not attending regularly, and LAs had and continue to have a duty to arrange AP where needed. To support implementation of the 2022 and 2024 *Working together to Improve School Attendance* guidance (Exhibits KD/023 - **DFE000097** and KD/024 - **DFE000103**), DfE's team of attendance advisers worked with every LA in England.

79. The data held by DfE on AR, shows that prior to AR's exclusion and move into the AP system, AR's attendance was good but fell rapidly at Acorn School (AP setting) and this worsened further after the COVID-19 lockdowns in 2020. Of some concern is the fact that a large proportion of his absence from Acorn School was classified as 'other authorised absence'. At the time, schools did not have a separate attendance and absence code for part-time timetables, which may have been one of the reasons for such a large number of 'other authorised absences'. However, such a high rate of absence should have been seen as a risk factor and reported to the LA via a statutory attendance return in line with the legal duty under the Education (Pupil Registration) (England) Regulations 2006, as amended. It is unclear whether the LA took action to investigate the high levels of non-attendance and put in place any necessary support at that time.

80. Clearer guidance on roles and expectations around severe absence came into force in 2022 (Exhibit KD/023 - **DFE000097**), before which time the guidance for schools and LAs around attendance was less specific in its content. While AR's attendance record was inconsistent at times, including periods of prolonged absence, there were also stages of good attendance during which concerns were still raised. Given this, we cannot confidently conclude that improved attendance alone would have made a substantial difference in this specific case. However, whether it contributed to these tragic events or not, we presume that better attendance would have been better for AR himself and his life-chances; and that the updates to the guidance which now recommend more specific action in respect of those whose absence is severe could have helped to secure this.

81. DfE has also become aware, through publicly available information following the Southport attack, that AR's bail conditions may have prevented him from attending school for a

prolonged period of time. While DfE cannot confirm the specifics of this case, as it falls outside the department's remit, the situation has highlighted a potential issue for schools, specifically on how they should respond when a pupil's bail conditions restrict their ability to attend school. It is important to note that under section 19 of the Education Act 1996, LAs have a statutory duty to arrange suitable full-time education for children of compulsory school age who, for any reason, may not otherwise receive it. This would apply in a case where such a child's bail conditions prevent them from attending their usual school and no alternative suitable provision is put in place (for example by the school). This means that a pupil's access to education should not be reduced solely due to bail restrictions. There might, however, be brief interruptions to a child's normal school attendance as a result of legal obligations such as court appearances or reporting requirements, which would not necessarily trigger the LAs duty under section 19. The department's view would also be that a child's bail conditions should not be set so as to prevent them from attending school unless this is absolutely unavoidable; and that in such cases the court should ensure local services, including in particular the LA, are aware and able to put alternative arrangements in place. It is not clear to the department from the information we have received so far whether this was the case (but we propose to explore this further with the Ministry of Justice ("MOJ") as part of our work on lessons learnt from this case).

Improvements

82. Since we introduced severe absence as a distinct statistical category of absence in 2022, we have put in place a number of interventions to support this group of children, including:

82.1. New statutory *Working Together to improve school attendance* guidance (Exhibit KD/024 - DFE000103) which places expectations for schools, trusts and LAs: to better identify and support children with attendance issues, including expectations to work together to remove 'beyond the classroom' barriers and agree joint approaches for severely absent pupils.

82.2. Virtual School Heads: responsible for the educational outcomes of children with a social worker, including their attendance. This role has been extended further to include promoting the educational achievement of all children living in kinship care. We intend to make these non-statutory duties statutory through the Children's Wellbeing and Schools Bill. A recent evaluation of the Virtual School Head's extended duties to children with a social worker, published in August 2025, shows positive early findings in relation to the impact on suspensions and absences (Exhibit KD/090 – DFE000212).

83. Following a successful pilot programme, in October 2024 the department announced an investment of £15 million to expand mentoring support for 10,000 children to improve their attendance, covering an additional 10 areas with some of the worst attendance in the country (Exhibit KD/091 - DFE000186). Pupils on the programme receive one -to-one support for a 12-to-20-week period from a mentor. The department also funds AP Specialist Taskforces, which are co-located, multi-disciplinary teams working in and from AP settings. The programme has been piloted by DfE since 2021 in 22 schools in serious violence hotspots, and is now being mainstreamed, including rolling out to 27 additional LAs.

b. Special Educational Needs and Disabilities

84. Part 3 of the Children and Families Act 2014 provides the legislative framework establishing a range of legal rights and duties in relation to support in education or training for children and young people in England with SEND. Education settings must have arrangements in place for identifying children and young people with SEND and putting appropriate support in place. In schools, for example, just over 1,284,000 pupils (14.2% of all pupils) with SEN are on what is known as 'SEN Support'. For the minority of those children and young people with SEN whose needs cannot be met by the setting from delegated funding, they may be issued with EHC plans, which provide a statutory entitlement to additional support. For example, in schools 483,000 pupils have EHC plans (5.3% of all pupils).

85. DfE has policy responsibility within government for the framework through which children and young people with SEND in England receive additional or different educational or training provision in recognition of their needs. The age range for such support is from birth to when the child or young person leaves relevant education or training (or reaches the age of 25). The department is responsible for setting the legislative, regulatory, policy and accountability framework for all state schools and LAs in relation to SEND.

86. In 2015 DfE and DHSC issued updated statutory guidance *Special educational needs and disability code of practice: 0 to 25 years* (Exhibit KD/092 – DFE000042) ("the SEND Code of Practice") to LAs, health bodies, certain schools and EY settings, and FE institutions. The bodies required to have regard to the *SEND Code of Practice* (Exhibit KD/092 - DFE000042) are listed at section 77(1) of the Children and Families Act 2014.

87. The statutory guidance aims to support those bodies in the effective exercise of their statutory functions to, for example, identify, assess, and where appropriate meet the needs

of children and young people with SEND in line with their legal obligations. It promotes early intervention, person-centred planning, and coordinated multi-agency support to ensure that children and young people with SEND receive appropriate and tailored provision.

88. As indicated above, the NPD records AR as having an EHC plan, and we understand that he has a diagnosis of autism. The *SEND Code of Practice* (Exhibit KD/092 - DFE000042) is therefore likely to be of particular relevance to the Inquiry's work. The Inquiry's attention is drawn to Chapters 1, 3, 6, 8, 9 and 10 in particular.

89. The *SEND Code of Practice* (Exhibit KD/092 - DFE000042) is a detailed and comprehensive piece of statutory guidance, extending to 292 pages. An analysis can be found below of some of the key themes likely to be of particular relevance to the Inquiry.

Role of local authorities

90. LAs in England have a central role to play in supporting children and young people with SEND, particularly those with more complex needs. The *SEND Code of Practice* (Exhibit KD/092 - DFE000042) sets out their responsibilities under Part 3 of the Children and Families Act 2014 which include:

    90.1. Identifying and assessing needs: LAs must identify children and young people in their area who have or may have SEND and carry out EHC needs assessments when certain criteria are met.

    90.2. Creating and maintaining EHC plans: If a child or young person requires more support than is available through standard SEN support, the LA must prepare, issue and maintain an EHC plan that sets out the educational, health, and social care support needed, and must secure the provision it specifies (see paragraph 84 for more detail on EHC plans).

    90.3. Funding and provision: LAs are responsible for funding and ensuring the provision of appropriate educational placements for children and young people with EHC plans (and those who require AP – see paragraph 98). They may also commission and fund support services for SEND.

    90.4. Monitoring and accountability: LAs must work with health and care partners to ensure services are coordinated and effective, and they are held accountable

through inspections by Ofsted and CQC and monitoring meetings and reviews by DfE and NHS England.

90.5. Engagement and co-production: They must involve children, young people, and their families in decisions about support and services, promoting a person-centred approach.

91. Most children and young people can have their SEN met by their education setting from their delegated budgets and without the involvement of the LA. But for a minority of those with SEN, the LA may, following a statutory needs assessment, consider it necessary for special educational provision to be made for them in accordance with an EHC plan. If so, the LA must prepare and maintain such a plan. This sets out a legally enforceable entitlement to detailed and specific special educational needs and also covers health and social care provision. EHC plans are intended to reflect the aims and aspirations of the child or young person, identify their SEN (and any relevant health and/or social care needs), set long-term outcomes and specify provision to help achieve those outcomes.

92. While DfE oversees the SEND framework and sets statutory guidance, LAs are responsible for assessing needs and creating and maintaining EHC plans. Ofsted and CQC conduct joint inspections to evaluate the effectiveness of local area partnerships' (including education, health, and social care) arrangements for children and young people with SEND.

Roles of schools

93. Section 66 of the Children and Families Act 2014 requires mainstream schools (and certain other education settings including Pupil Referral Units and AP academies) to use their best endeavours to meet the SEN of children and young people who they educate. Underpinning this they should have procedures in place for the identification of those with SEN. Chapter 6 of the *SEND Code of Practice* (Exhibit KD/092 – DFE000042) provides guidance on schools' responsibilities, including identifying and meeting need.

94. Following the *SEND Code of Practice* (Exhibit KD/092 – DFE000042), where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle (assess-plan-do-review) through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This cycle

is known as the graduated approach. It draws on more detailed approaches, more frequent reviews and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.

95. Other duties on mainstream schools under the 2014 Act include to:

    95.1. ensure that children with SEN engage in the activities of the school alongside children who do not have SEN;

    95.2. designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO and the *SEND Code of Practice* (Exhibit KD/092 – DFE000042).

Alternative provision

96. AP is a term used to describe education arranged for children and young people outside of mainstream and special schools. It serves as a vital safety net to ensure that all children of compulsory school age have access to a suitable education.

97. DfE is responsible for setting the national policy framework for AP with the aim of supporting pupil progress and ensuring high standards across the system. Through published statutory guidance titled *Arranging Alternative Provision: A Guide for Local Authorities and Schools*, (Exhibit KD/093 - DFE000043), DfE sets out expectations for LAs and schools in their roles as commissioners and providers of AP. LAs should have regard to that guidance, and should have had regard to the previous iteration of the guidance, first published in 2013 and updated (in relation to funding policy only) in 2016, *Alternative Provision: Statutory guidance for Local Authorities* (Exhibit KD/094 - DFE000237), when carrying out their duty to arrange suitable education for children who cannot attend mainstream provision. The guidance also covered, and continues to cover, the role that the child's home school (if they have one) should play when commissioning AP to ensure the child receives a suitable education in a safe environment.

98. LAs have a legal duty (in section 19 of the Education Act 1996) to arrange suitable and (usually) full-time education for children of compulsory school age who, due to exclusion, illness, or other reasons, would not otherwise receive it. This is commonly referred to as AP, and it typically takes places in AP settings (e.g. a Pupil Referral Unit ("PRU") or an AP Academy).

99. LAs are expected to ensure the quality, safety, and appropriateness of the AP settings they use, and maintain regular contact with both the provider and the child, with clear processes in place for information sharing and monitoring progress. If at any point the LA determines that the provision is no longer suitable for the child, then they should take prompt action to identify and secure an alternative setting.

100. AP settings, such as PRUs, are expected to provide a high-quality education as well as any support required to overcome individual barriers to attainment and achievement, giving equal consideration to the child's pastoral needs.

101. These expectations are reinforced through inspection and regulatory frameworks. Under the *Education Inspection Framework,* which came into force in September 2019 (Exhibit KD/095 - DFE000187) and was updated in July 2023 (Exhibit KD/096 - DFE000188) Ofsted inspects both the use of AP by schools and the effectiveness of AP schools. Since 2023, Ofsted and the CQC have also evaluated how effectively LAs commission AP as part of the *Area SEND inspection framework* (Exhibit KD/007 - DFE000091).

Autism

102. Autism spectrum disorder ("ASD") is a lifelong developmental condition that affects how people perceive, communicate, and interact with others. It is a spectrum condition, affecting people in different ways. It is often diagnosed alongside other conditions.

103. The most common type of need among pupils with an EHC plan is ASD. One in three pupils with an EHC plan are identified with a primary need of ASD – 149,217 (33.6%). 114,772 pupils on SEN Support have ASD as a primary need, giving a total of 263,989 pupils with ASD as a primary need (Exhibit KD/097 - DFE000217).

104. In 2023/24, of those entered for GCSEs, 50% of pupils with autism listed as their primary need achieved a grade 4 in English and mathematics, while the percentage of all pupils who achieved grade 4 or more in relation to total number of pupils at the end of key stage 4 was about 65% (in all state funded schools only) (Exhibit KD/098 - DFE000218).

105. Children and young people with autism will often have SEN and, where necessary, an EHC plan. The *SEND Code of Practice* (Exhibit KD/092 - DFE000042) is clear that education settings should put in place support to meet the SEN of the child or young person when they are identified, irrespective of the specific diagnosis (if any) giving rise to such needs.

An autism diagnosis is not therefore required for putting in place SEN support, for an EHC needs assessment or to issue an EHC plan.

106. In 2021 the *National Autism Strategy* (Exhibits KD/099 - DFE000044 and KD/100 - DFE000105) was extended to include children and young people for the first time. DfE worked closely with DHSC to develop the *National Strategy for Autistic Children, Young People and Adults (2021–2026)* (Exhibit KD/099 - DFE000044). In the strategy, DfE committed to improving access to education for autistic children and young people and supporting positive transitions to adulthood and employment: see, particularly, Chapter 4 of the strategy.

107. To support the delivery of the *National Autism Strategy* (Exhibits KD/099 - DFE000044 and KD/100 - DFE000105) DfE has multiple programmes including:

    107.1. Ensuring high quality teaching for all children through workforce development including reforms to the *Initial Teacher Training and Early Career Framework* ("ITTECF") (Exhibit KD/101 - DFE000109) and continuing professional development for the school and FE workforce through the Universal SEND Services programme (Exhibit KD/102 - DFE000189).

    107.2. Establishing the *Partnerships for Inclusion of Neurodiversity in Schools ("PINS") programme* in partnership with NHSE (Exhibit KD/103 - DFE000190), which deploys specialists from both health and education workforces to build teacher and staff capacity to identify and better meet the needs of neurodivergent children in mainstream primary schools.

    107.3. Expanding the provision of Mental Health Support Teams, which provide access to mental health professionals within schools. Mental health support is critical to breaking down barriers to opportunity, and while autism is not a mental health problem, autistic children and young people are disproportionately likely also to have mental health difficulties (Exhibit KD/104 - DFE000139).

    107.4. Establishing a Neurodivergence Task and Finish Group in November 2024 (Exhibit KD/105 – DFE000213) to provide an expert view and make recommendations on how to best meet the needs of neurodivergent children and young people, including autistic children and young people, within mainstream education settings. The group brings together experts including clinicians, scientists and academics, education professionals, and charities representing specific types of

neurodivergence. The group will make recommendations to ministers on provision and support in mainstream educational settings for neurodivergent children and young people, including autistic children and young people.

108. In addition to the statutory provisions and the statutory guidance contained in the *SEND Code of Practice* (Exhibit KD/092 - DFE000042), the department offers relevant professional training in relation to SEND issues. Training on SEND is embedded into the frameworks which underpin our teacher development offer, from initial training through early career and National Professional Qualifications ("NPQs") – although the training is not delivered directly by the department. Training spans all career stages, from Initial Teacher Training ("ITT") and early career teaching to leadership development, embedding a strong focus on inclusive education and supporting the needs of all pupils. DfE's core professional development offer is reviewed by the Education Endowment Foundation to ensure it reflects the latest evidence. The department also works closely with SEND experts to take well-evidenced practice and translate it into strategies which teachers can deliver in the classroom.

109. In November 2019, the department launched the ITT core content framework (Exhibit KD/106 - DFE000107) which defined in detail the minimum entitlement of all trainee teachers. Drawing on the best available evidence, it set out the content that teacher training providers and their partnerships must draw upon when designing and delivering their ITT programmes. In 2020 DfE piloted the Early Career Framework (Exhibit KD/107 - DFE000108) to establish an entitlement to a structured package of support lasting three or more years for all new teachers at the start of their careers. Careful consideration was given to the needs of trainee teachers and early career teachers in these frameworks in relation to supporting pupils with SEN, encompassing those pupils identified within the four areas of need set out in the *SEND Code of Practice* (Exhibit KD/092 - DFE000042).

110. The mandatory training for all new trainees and early career teachers, which from September 2025 is the *Initial Teacher Training and Early Career Framework* (Exhibit KD/101 - DFE000109), is supplemented by the Universal SEND Services programme, which was introduced in May 2022. This brought together but didn't directly replace different contracts previously held by the department and delivered through Whole School SEND/Nasen and the Education Training Foundation. The programme provides accessible, SEND-specific training to the school and FE workforce, particularly in mainstream settings, to improve early identification and support, including for children and

young people with autism. In the first three years of the Universal programme, over 240,000 professionals received autism training provided by Autism Education Trust training partners.

111. LA caseworkers are central to coordinating EHC needs assessments, ensuring statutory processes and timelines are met on behalf of the LA.

112. In 2024 DfE funded IPSEA training on SEND law, covering all the decisions in the EHC plan process, as well as mediation, for 286 SEND case workers, and DfE is exploring additional support options.

Monitoring and promoting compliance

113. Ofsted plays a key role in evaluating and reporting on whether, within the statutory framework, state schools are, in practice, providing effective support to children and young people with SEND. Inspectors gather and evaluate evidence about schools' SEND provision via inspections carried out under the *Education Inspection Framework* (Exhibit KD/096 - **DFE000188**).

114. Ofsted and the CQC also have a role in evaluating the effectiveness of local area partnerships' (including education, health, and social care) arrangements for children and young people with SEND through local area SEND inspections.

115. DfE SEND programmes (Exhibit KD/108 - **DFE000110**) are designed to help LAs, alongside their local area partners in education, health and care, improve services for children and young people with SEND. The department uses inspection reports from Ofsted and CQC to understand how well local SEND services are performing. The current *Area SEND Inspection Framework* (Exhibit KD/007 – **DFE000091**) commenced at the beginning of 2023. The previous *Area SEND inspection framework*, which it replaced, ran from 2016 until the end of 2022 (Exhibit KD/009 - **DFE000138**). Under the previous inspection framework, judgements of local area partnerships were binary – if any 'significant weaknesses' were found in SEND services across the local area partnership, they were required to produce a Written Statement of Action. The DfE and NHSE support and challenge approach was structured around ensuring these plans for addressing all 'significant weaknesses' were taken forward effectively. Based on these reports, DfE offers a range of support depending on the level of need. This includes universal support available to all local areas, such as national and regional webinars, the 'What Works in SEND' programme and website, and the Local Government Association universal

leadership and development training. It also includes more targeted support for specific challenges, such as the Sector Led Improvement Partners programme, which provides tailored advice from experienced professionals in other local area partnerships, and intensive support for areas where services are significantly underperforming, through the deployment of SEND experts including SEND advisors and SEND commissioners.

116. When inspections, or other local intelligence or monitoring, indicate serious concerns or significant weaknesses with LA performance, DfE will intervene directly, including through the use of Improvement Notices or Statutory Directions.

Reflections

117. DfE will be setting out proposals for significant reform of the SEND system in a White Paper in autumn 2025. There is a widespread consensus that reform is needed, to strengthen the support that children and young people receive and to make the system more financially sustainable.

118. We recognise the significant challenges facing the SEND system, for example the considerable pressure on the capacity of schools and LAs. We are committed to improving inclusivity and expertise in mainstream schools, as well as ensuring special schools cater to those with the most complex needs, so that all children and young people have the support, skills and opportunities they deserve.

119. We are not aware of any issues relating to the SEND system which might have contributed to these tragic events. AR had an EHC plan which specified the special educational provision he required.

120. The *SEND Code of Practice* (Exhibit KD/092 – **DFE000042**) was last issued in 2015 following extensive consultation and engagement associated with the Parliamentary passage of the Children and Families Act 2014. The *SEND Code of Practice* (Exhibit KD/092 – **DFE000042**) sets out in some detail how the SEND system is expected to work, and it is used extensively by LAs and other key players. It is widely recognised as sitting at the heart of the SEND system. DfE has also published a range of guides to the *SEND Code of Practice* (Exhibit KD/092 – **DFE000042**), aimed at particular audiences (for example schools and AP settings).

121. As the *SEND Code of Practice* (Exhibit KD/092 – **DFE000042**) has not been updated since 2015, it is worth noting that it contains some material which is now out of date. For example:

121.1. references to clinical commissioning groups (these having since been replaced by integrated care boards);

121.2. new regulations relating to the powers of the First-tier Tribunal; and

121.3. 2022 caselaw clarifying a statutory deadline relating to the annual review of EHC plans.

122. Given the widespread use of the *SEND Code of Practice* (Exhibit KD/092 – DFE000042) by LAs, schools etc, any changes have a significant impact and cost (need for new training, new business processes etc). Since the *SEND Code of Practice* (Exhibit KD/092 – DFE000042) will probably need to be updated as a consequence of anticipated policy reforms, the department's view is that the necessary amendments and updates should be made as part of the next wider package of reform rather than through a standalone consultation; and that in the meantime, the Code continues to provide effective support to the relevant bodies in exercising their SEND functions.

Alternative Provision

123. The *Arranging Alternative Provision: A Guide for Local Authorities and Schools* (Exhibit KD/093 - DFE000043), guidance was last issued in January 2025. The previous guidance (the one that was current at the time that AR was attending AP) was issued in 2016 (Exhibit KD/109 - DFE000237). Both the 2025 and the 2016 guidance set out the national policy framework for AP.

124. Although many AP schools are experts in improving a child's engagement with learning, attendance and general well-being, we know that high-quality provision is not consistent across the country. There have been long-standing concerns about low attendance rates in AP schools, the number of children who successfully reintegrate back into mainstream schools and of how many children go on to a successful post-16 destination.

125. This is why, as part of the SEND and AP reforms we want to improve and see a more consistent approach to the AP offer for all of children that may need it. Our aim is that all AP schools keep children safe, promote mental health, well-being and attendance, and provide quality education. We want to see AP give stronger focus on supporting children back into mainstream schools, or into a successful post-16 education or training placement if more appropriate.

126. Our reforms will also see AP schools working with mainstream schools to identify children's SEN and additional needs and help devise interventions and additional support at the earliest stage, helping children remain and succeed in a mainstream classroom wherever possible. DfE will be setting out proposals for significant reform of the SEND and AP system in a White Paper in autumn 2025.

127. DfE is committed to tackling persistent and severe absence for all pupils. To specifically support the improvement of attendance in AP, we are working with AP stakeholders to improve the sharing of best practice between AP schools and to further refine the attendance data the settings can view, to ensure they have the tools required to drive self-improvement.

Improvements

128. Regarding the SEND and AP reforms referenced in paragraph 117, over the last year SSE supported by DfE's team of ministers and backed by expert advisers like Tom Rees and Dame Christine Lenehan, have led over 100 listening sessions across the country. The views of parents, teachers and experts have shaped the principles and values that will underpin any change. DfE is continuing to engage intensely over the coming months on the shape of the solutions, to ensure that every child and young person with SEND can achieve and thrive.

129. In addition to the system-wide improvements, the department has strengthened SEND related training. This includes the introduction of the NPQ and the ITTECF.

130. On 1 September 2024, DfE introduced the NPQ for Special Educational Needs Co-ordinators as the new mandatory qualification for SENCOs in mainstream schools. Participants will develop the essential knowledge and skills needed to set the strategic direction of SEN policy in a school and the conditions in which pupils with SEND can thrive. On 10 January 2025, the department announced that it will review the NPQ courses to consider areas where the sector has consistently identified that we need to review or update content. This will include identifying further best practice for teaching pupils with SEND.

131. The ITTECF is to be introduced from September 2025. It sets out the minimum entitlement to training and must be used by providers of ITT and those delivering training to early career teachers to create their curricula. The ITTECF contains significantly more content on adaptive teaching and supporting pupils with SEND. A further review of the support for

early career teachers, including the content of the ITTECF, is planned for 2027, with a continued focus on SEND.

132. While there have been no major changes to AP legislation or policy since 2016, the department has taken steps to improve practice and accountability across the system. In 2018, the AP Innovation Fund was launched to pilot new approaches and deliver targeted projects aimed at improving outcomes for children in AP. Accountability has been strengthened significantly. Since 2023, Ofsted and the CQC have assessed how effectively LAs commission AP as part of the Area SEND inspection framework, helping to close a longstanding oversight gap.

133. The department has also updated the AP guidance in 2025 (Exhibit KD/093 - **DFE000043**) to give more emphasis to best practice when arranging and delivering AP. The updated document also gives greater focus on early intervention, addressing children's needs in their mainstream school where possible and only considering AP if all other preventative measures have failed.

134. In August 2025 the department published non-statutory standards and guidance (Exhibit KD/110 - **DFE000191**) for non-school AP (also known as unregistered AP). The guidance was in response to its consultation on unregistered provision which was conducted in 2024. The standards are intended to improve the local oversight and commissioning of non-school AP; and to set clear and consistent requirements for providers. The government has announced that it intends to legislate to introduce mandatory national standards for non-school AP when parliamentary time allows.

<u>c. Safeguarding; d. Information sharing to protect vulnerable children and families; e. Reporting of serious harm incidents to the DfE, Ofsted and the Child Safeguarding Practice Review Panel; f. Pupils classified as Children in Need</u>

135. It is right to address the guidance relating to these related issues together.

136. DfE is responsible within government for the legislative framework and statutory guidance for CSC, including child protection and safeguarding in England. Safeguarding and promoting the welfare of children means providing help and support as soon as problems emerge, protecting children from maltreatment, preventing impairment of health or development, ensuring safe and effective care, and taking action to enable all children to have the best outcomes.

137. Child protection and safeguarding duties are contained in a number of pieces of legislation, most relevantly section 17 (general duty on LAs to support Children in Need – paragraph 7) and section 47 (duty to investigate risk of actual or likely significant harm – paragraph 8) of the Children Act 1989, sections 10-11 and 16E-L of the Children Act 2004, section 175 of the Education Act 2002, paragraph 7(b) of the Schedule to the Education (Independent School Standards) Regulations 2014 and paragraph 3 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.

138. DfE's statutory guidance *Working together to safeguard children 2018*, published July 2018 (Exhibit KD/033 - DFE000100), provided a comprehensive guide to multi-agency working to help, support and protect children and their families, including in relation to early help and Children in Need. That guidance was replaced with a revised version in December 2023: *Working together to safeguard children 2023* (Exhibit KD/011 – DFE000106).

139. DfE also publishes statutory guidance *Keeping children safe in education* ("KCSIE") (first published March 2015 and revised annually since 2019) (see list of exhibits at paragraph 66v.), which concerns, specifically, safeguarding in local authority maintained schools, academies and FE establishments, and which is consistent with the broader *Working together to safeguard children* (Exhibit KD/011 - DFE000106) guidance. As KCSIE is statutory guidance, all school and colleges must have regard to it.

140. DfE is aware (from the NPD data for AR) that AR was the subject of two Child in Need referrals and it is also understood from the Prevent learning review (Exhibit KD/111 - DFE000140) that he was the subject of an early help assessment. It is therefore likely that these pieces of guidance will be of relevance to the Inquiry's work.

141. *Working Together to safeguard children* (Exhibit KD/011 – DFE000106) is a substantial and detailed piece of statutory guidance. It sets out the legislative requirements that apply to all individuals, organisations and agencies working with children and their families. It provides a framework for the three local safeguarding partners (the LA, integrated care board, and police) to make arrangements to work together to safeguard and promote the welfare of children in their area, including identifying and responding to their needs. The guidance also sets out provides the framework for the organisational responsibilities of other agencies that safeguard and promote the welfare of children, learning from serious incidents and the role of the Child Safeguarding Practice Review Panel in this, and child death reviews.

142. Chapter 1 of *Working together to safeguard children 2023* sets out expectations for a child-centred approach within a whole family focus, principles for working with parents and carers, multi-agency working and information sharing. Legislation and statutory guidance is clear that safeguarding is a shared responsibility across agencies and across the whole system of help, support and protection. The guidance is clear that all practitioners that work with children should work together and with other relevant agencies to identify and respond to protect children suffering or at risk of suffering harm.

143. Chapter 1 therefore emphasises the importance of information sharing between practitioners and agencies for early identification of need, assessment and service provision. This is further supplemented by non-statutory guidance, *Information Sharing: Advice for Practitioners Providing Safeguarding Services for Children, Young People, Parents and Carers* (Exhibit KD/085 - DFE000111), which provides detailed advice on lawful, safe, and effective information sharing in safeguarding contexts between multi-agency practitioners. First published in 2015, it was updated in 2018 and again in May 2024 (Exhibit KD/112 - DFE000112). The iterations reflected changes to data protection legislation, as well as introducing content on confidentiality, human rights and emergency sharing, clearer roles and responsibilities, and greater emphasis on multi-agency collaboration. It also ensured alignment with the Information Commissioner's Office's *A 10 step guide to sharing information to safeguard children* (Exhibit KD/113 - DFE000192).

144. The latest guidance also was designed to address evidence from reviews that missed opportunities to record and share information in a timely way can have severe consequences for children. In particular, the guidance identifies and rebuts possible data protection legislation objections to data sharing (Exhibit KD/085 - DFE000111), and provides detailed advice on lawful, safe, and effective information sharing in safeguarding contexts:

> *"The Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR) supports the sharing of relevant information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of safeguarding and promoting the welfare of children."*

145. As set out in chapter 2 of *Working together to safeguard children 2023* (Exhibit KD/011 - DFE000106), education providers, including multi-academy trusts, have a responsibility to play their full part in local safeguarding arrangements. Training for designated safeguarding leads and designated teachers should include shared

understanding about different levels of need and how these need to be responded to. Education providers also play a vital role in sharing and contributing to key information about children, including attendance data, exclusions, concerns about abuse, neglect, exploitation, and wider social and environmental factors including extra-familial contexts, which are a key aspect of keeping children safe.

146. Chapter 3 of *Working together to safeguard children 2023* (Exhibit KD/011 - DFE000106) outlines how agencies, organisations and individuals work together to provide help, support, and protection via early help, through services provided under section 17 of the Children Act 1989 and through section 47 of the Children Act 1989 (child protection enquires and processes). It sets out expectations for safeguarding partners to agree with their relevant agencies the criteria for different levels of assessment to inform which services are commissioned and delivered in their local area and ensure that the right help is given to children at the right time. Local organisations and agencies should have in place effective ways to identify emerging problems and potential unmet needs of individual children and families. As education and childcare settings have daily contact with most children and families, they are uniquely placed to identify concerns and, with partners as appropriate, address them early. Safeguarding professionals, including safeguarding partners and their delegates, should work closely with education and childcare settings to ensure information about children is shared effectively, risks of harm are correctly identified and understood, and children and families receive the services they need.

147. KCSIE (Exhibit KD/052 - DFE000056) is also a substantial and detailed piece of guidance, specifically for education and childcare settings. Parts of the guidance cover aspects relating to children missing from education, mental health, preventing radicalisation and the Prevent duty.

148. KCSIE is generally held in high regard by the sector and schools and colleges are very familiar with the updating cycle of KCSIE. It is published on GOV.UK (Exhibit KD/052 - DFE000056). DfE regularly keeps KCSIE under review to ensure that it supports schools and colleges in the best way. Ordinarily, the guidance is updated annually, with substantive changes and public consultation taking place one year and technical only changes the next. This is to allow schools and colleges sufficient time to implement change and minimise disruption for their staff.

Children in Need

149. Under section 17 of the Children Act 1989, LAs are under a general duty to provide support for Children in Need. A child is considered to be in need if they meet any of the following criteria:

149.1. Health or development: The child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a LA.

149.2. Significant impairment: Their health or development is likely to be significantly impaired, or further impaired, without the provision of such services.

149.3. Disability: The child is disabled, which includes a range of physical and mental health conditions.

150. As stated above, the main statutory guidance on Children in Need is *Working Together to Safeguard Children 2023* (Exhibit KD/011 - **DFE000106**). To fulfil the section 17 duty, practitioners undertake assessments of the needs of individual children, giving due regard to a child's age and understanding when determining what, if any, services to provide.

151. In relation to this Inquiry, it is worth noting that AR was assessed under section 17 of the Children Act 1989 in September 2016. A further Child in Need referral was made in December 2019.

152. Every assessment must be informed by the views of the child as well as the family, and a child's wishes and feelings must be sought regarding the provision of services to be delivered. Where possible, children should be seen alone. Where a child requests to be seen with a trusted adult, this should be supported. A child's communication needs should be taken into account. When assessing Children in Need and providing services, specialist assessments may be required and, where possible, should be co-ordinated so that the child and family experience a coherent process and a single plan of action.

153. Some Children in Need may require accommodation because there is no one who has parental responsibility for them, they are lost or abandoned, or the person who has been caring for them is prevented from providing them with suitable accommodation or care. Under section 20 of the Children Act 1989, the LA has a duty to accommodate such Children in Need in their area.

154. The Prevent review (Exhibit KD/111 - **DFE000140**) states that AR was the subject of a child protection enquiry under section 47 of the Children Act 1989. It is not clear from

the review which LA led on the section 47 enquiry, the detail of the referral and assessment supporting the local area decision to carry out the enquiry, or precisely what, if any, ongoing action was taken as a result of or following the enquiry. The review states that neglect was not identified, and that all relevant agencies were already involved.

155. Section 47 of the Children Act 1989 sets out that, where a LA has reasonable cause to suspect that a child who lives or is found in their area is suffering or is likely to suffer significant harm, it has a duty to make such enquiries as it considers necessary to decide whether to take any action to safeguard or promote the child's welfare. Such enquiries, supported by other organisations and agencies, as appropriate, should be initiated where there are concerns about all forms of abuse, neglect, and exploitation whether this is taking place in person or online, inside or outside of the child's home. There may be a need for immediate protection whilst an assessment or enquiries are carried out.

156. DfE is responsible for setting the national legislative framework and statutory guidance for safeguarding. As set out in the *Working Together to Safeguard Children 2023* guidance (Exhibit KD/011 - **DFE000106**), the statutory safeguarding partners (the LA, police and - for health - the Integrated Care Board ("ICB"), have a shared and equal duty to work together to safeguard and promote the welfare of all children in their area (Children Act 2004). They are responsible for setting the strategic direction, vision, and culture of the local multi-agency safeguarding arrangements, including agreeing and reviewing shared priorities, establishing data sharing agreements, and the resources required to deliver services effectively.

157. LAs working with the other statutory safeguarding partners, including the relevant police force(s), ICBs and other agencies are responsible for the delivery of support and services to individual children and their families in their local area. The department is currently taking the Children's Wellbeing and Schools Bill through Parliament, which further enshrines this multi-agency approach to keeping children safe. This includes the establishment of new multi-agency child protection teams, and a new duty to require multi-agency information sharing between partners, when there are concerns about a child. Where requested to do so by LA CSC services, health organisations and other LAs have a duty to co-operate by assisting the LA in carrying out its children's social care functions, if this is compatible with their own duties and obligations and does not interfere with the performance of their own functions. LAs can also ask other agencies to assist in the delivery of support and services, but those agencies are under no obligation to do so. As set out in Chapter 3 of *Working Together to Safeguard Children 2023* (Exhibit KD/011 -

DFE000106), they are also expected to publish a threshold document which sets out the local criteria for action in a way that is transparent, evidence-based, accessible, and easily understood.

158. A new chapter 1 was introduced at the beginning of *Working Together to Safeguard Children 2023* (Exhibit KD/011 - DFE000106) bringing together new and existing guidance to emphasise that successful outcomes for children depend on strong multi-agency and partnership working across the whole system of help, support, and protection in effective work from all agencies with parents, carers and families. This included new principles for working with parents and carers, and multi-agency expectations for practitioners at all levels. We also introduced multi-agency child protection standards, as recommended by the Child Safeguarding Practice Review Panel, to promote an effective and consistent framework for all practitioners.

159. Ofsted play a key role in monitoring how agencies assess risk and respond to child protection concerns by inspecting LA CSC services using the *Inspection of LA Children's Services* framework (Exhibit KD/114 - DFE000045). Inspectorates for LAs and education and childcare settings (Ofsted), the police (His Majesty's Inspectorate of the Constabulary, Fire and Rescue Services – HMICFRS) and health (CQC) also carry out Joint Targeted Area Inspections ("JTAI") of local services for vulnerable children and young people (Exhibit KD/115 - DFE000141). These inspections consider information sharing between agencies to safeguard and protect children.

160. Social workers are trained and prepared for their roles through initial social work education and training. DfE directly funds two fast-track training routes, Step Up to Social Work (Exhibit KD/116 - DFE000193) and Approach Social Work (Exhibit KD/117 – DFE000194). Once qualified, social workers follow an induction in the form of the Assessed and Supported Year in Employment ("ASYE") (Exhibit KD/118 - DFE000195). The department funds the ASYE for child and family social workers and consulted in spring 2025 on a new induction programme to replace the ASYE (Exhibit KD/119 - DFE000196). Post-qualification development is the responsibility of employers.

161. The *CSC National Framework* (Exhibit KD/120 - DFE000046) sets out expectations of LA leaders and managers to cultivate a learning culture in the CSC workforce, and the expectation of practitioners to constantly seek to improve practice. Social workers also must comply with the Social Work England professional standards, including expectations on continuous professional development.

162. As set out in *Working Together to Safeguard Children 2023* (Exhibit KD/011 - DFE000106), LAs have a duty to notify the Child Safeguarding Practice Review Panel (and by extension DfE and Ofsted) where a child has been seriously harmed or has died and abuse or neglect is known or suspected within 5 working days of becoming aware of the incident. LAs must also notify the death of a looked after child, regardless of abuse or neglect.

163. Local safeguarding partners then have 15 working days from the notification to submit a Rapid Review to the Child Safeguarding Practice Review Panel (Exhibit KD/121 - DFE000088). The Rapid Review's aim is to assemble further facts of the case, agency involvement, establish children's safety and to identify initial learning to be fed back into the system. The Rapid Review will also indicate the local safeguarding partners decision on whether they intend to undertake a further Local Child Safeguarding Practice Review ("LCSPR"). The panel may share the Rapid Review with DfE, if requested, to enable DfE to carry out its functions, as set out in *Working Together to Safeguard Children 2023* (Exhibit KD/011 - DFE000106). Serious Incidents and Rapid Reviews may also be submitted for child perpetrators under the age of 18, in cases where abuse or neglect was a factor in the child's life.

g. COVID-19-related restrictions to education

164. Children and young people with EHC plans and Children in Need were included within DfE's definition of vulnerable children during the COVID-19 pandemic. Vulnerable children were generally expected to continue attending their education setting during periods of national restrictions where it was safe and appropriate to do so (explained further in paragraph 167).

165. To support this, DfE issued a series of guidance documents throughout the pandemic, which evolved in line with the public health situation. These documents provided advice to education settings, LAs, parents and carers, and were regularly updated to reflect changing circumstances. To ensure visibility, DfE highlighted any changes to guidance in its daily COVID-19 sector bulletin (first issued on 4 February 2020), alongside updates shared through press releases and blog posts on GOV.UK.

166. On 19 March 2020, DfE published *Guidance for schools, childcare providers, colleges and LAs in England on maintaining educational provision* (Exhibit KD/122 - DFE000047), which was the first guidance to formally define vulnerable children. This included children

and young people with EHC plans and Children in Need. The guidance explained education settings would remain open to these groups.

167. On 22 March 2020, DfE published *Coronavirus (COVID-19): guidance on vulnerable children and young people* (Exhibit KD/123 - DFE000048). This guidance clarified that children with EHC plans should attend school unless it was unsafe and introduced the use of individualised risk assessments to determine whether a child's needs could be better met at home or in their education setting. These assessments were to be conducted collaboratively by education settings, LAs and families, taking into account health risks, the ability to deliver EHC plan provisions and the home environment's capacity to meet the child's needs. The guidance stated that providers should follow up with any pupil expected to attend who did not. To support this process, DfE published *Coronavirus (COVID-19): SEND risk assessment guidance* (Exhibit KD/124 - DFE000049) on 19 April 2020, offering detailed advice on how to carry out these assessments.

168. On 27 March 2020, DfE published *Coronavirus (COVID-19): safeguarding in schools, colleges and other providers* (Exhibit KD/125 - DFE000052), which reminded education providers that the KCSIE principles remained in force. It set out the importance of staff remaining alert to signs of risk, including during remote interactions and continuing to make referrals to children's social care and the police where appropriate.

169. To support children's social care services more broadly, DfE published *COVID-19: Guidance for Children's Social Care Services* (Exhibit KD/126 - DFE000053) on 3 April 2020, providing operational advice to professionals working in LA services, those with corporate parenting responsibilities and local safeguarding partnerships, to help ensure continuity of care and support throughout the pandemic.

170. In addition to guidance for settings and professionals, DfE also published resources aimed at supporting parents and carers. On 19 April 2020, *Help children with SEND continue their education during coronavirus (COVID-19)* (Exhibit KD/127 - DFE000050) was published, offering practical advice and signposting resources to help families support learning at home.

171. On 30 April 2020, DfE issued guidance *Changes to the law on education, health and care needs assessments and plans due to coronavirus (COVID-19)* (Exhibit KD/128 - DFE000051). This guidance explained temporary legislative changes, including the modification of statutory duties under section 42 of the Children and Families Act 2014: during this period, LAs and health commissioning bodies were required to use their

'reasonable endeavours' to secure or arrange EHC plan provisions, rather than being held to absolute duties.

172. DfE's guidance continued to evolve throughout the pandemic and was regularly reviewed and updated to reflect the latest public health advice and operational realities. As the pandemic progressed, guidance for supporting children and young people with SEND, including those with EHC plans and Children in Need, was embedded within operational guidance issued to education settings and CSC services (such as operational guidance for schools (Exhibit KD/129 - DFE000113) and FE settings (Exhibit KD/130 - DFE000114). This included expectations around attendance, the continued use of risk assessments, remote education provision and tailored protective measures. Operational guidance for schools incorporated specific provisions for pupils with SEND and bespoke guidance was also published for specialist settings to address their distinct needs (Exhibit KD/131 - DFE000115).

173. In addition to guidance, DfE provided practical support to help Children in Need access education. For example, through the Get Help with Technology programme, devices and internet connectivity were provided to disadvantaged children and young people. Children in Need were identified from the outset as part of the cohort eligible for this programme. Distribution began on 15 May 2020, helping to ensure that these children could continue learning remotely when not attending school.

174. During the pandemic, DfE took steps to ensure its guidance remained effective and relevant in a rapidly changing environment. Guidance was rigorously reviewed and updated to reflect the latest public health and scientific advice, whilst also being designed to support practical implementation across education and care settings. To maintain consistency with wider government messaging and measures, a formal 'triple lock' approval process was introduced from 18 May 2020, with all guidance requiring sign-off from No.10 Downing Street, DHSC or UK Health Security Agency, and GDS.

175. Over the course of the pandemic, DfE published approximately 88 pieces of guidance covering a wide range of topics across education, children's social care and childcare settings. This ensured that providers had access to clear and specific information tailored to different operational contexts, helping them respond effectively to public health requirements and sector-specific challenges.

176. The guidance itself was non-statutory, meaning settings retained the flexibility to adapt or disregard elements where necessary provided they continued to meet their legal obligations, such as those under health and safety legislation.

Reflections (safeguarding)

177. DfE's *Working Together to Safeguard Children and Young People* (Exhibit KD/011 - DFE000106) guidance applies to all organisations and agencies who have functions relating to children and is generally held in high regard by the CSC sector. The department regularly reviews, and formally consults, on safeguarding guidance. The guidance was last revised in December 2023 following substantive public consultation across multi-agency organisations and agencies, working in parallel with the HO and DHSC as the OGDs with safeguarding responsibilities. The 2023 update, in response to this consultation, focused on strengthened multi-agency working across the whole system of help, support and protection, maintaining a child-centred approach within a whole family focus to effectively safeguard and promote the welfare of children. It was published on the basis of it being appropriate and adequate.

178. In broad terms, the effectiveness (or not) of multi-agency working to help, support and protect children is relevant to this case. DfE recognises that poor and ineffective multi-agency working, including information sharing, is a perennial issue and a key factor where child protection activity fails to keep children safe. This is evidenced in multiple reviews considering child protection, most recently in the Child Safeguarding Practice Review Panel report 'Child Protection in England' (Exhibit KD/132 - DFE000085) and the Independent Review of Children's Social Care (Exhibit KD/029 - DFE000204) both published in 2022. These reviews cited, for example, a lack of robust critical thinking and challenge within and between agencies, insufficient specialist skills and capacity, inadequate multi-agency leadership and that barriers to information sharing need to be broken down to improve outcomes for children and families.

179. In this particular case, at least two LAs were involved with AR at various intervals: the LA in which he lived, the LA in which he went to school, the LAs considering his early help and CSC referrals and the LA considering and assessing his SEND needs. Each LA will have varying local arrangements and performance in respect of CSC, SEND and other services. This arrangement presents additional complexity in ensuring effective multi-agency working. In Sefton, for example, DfE supported improvement through the appointment of a Commissioner, and the LA has since been judged as good, demonstrating the potential impact of targeted support. Where risks are present across

both services, it is important that LAs are encouraged and supported to work collaboratively. The importance of such joint working is reflected in the *Working Together to Safeguard Children 2023* guidance (Exhibit KD/011 - DFE000106) (Chapter 3, sections c, d, and f), which sets out expectations for coordinated leadership and shared accountability across agencies.

180. Additionally, the Child Protection in England report concluded that:

> *"whilst we have a well-embedded concept of partnership working across agencies, enshrined in statutory guidance, in practice, the key ingredients of effective operational delivery are not hard wired into our current arrangements. Trust, shared values, and identity are crucial behavioural factors in frictionless sharing of information between professionals. The current reliance on quickly pulling together a team from across overstretched agencies to think and act together to protect a child every time child protection processes are triggered is certainly inefficient and often ineffective".*

The report recommended that multi-agency child protection units be established in every LA area.

Improvements

181. In November 2024, the department published *Keeping children safe, helping families thrive* (Exhibit KD/133 - DFE000086), a policy statement setting out the government's commitment to whole system reform of the CSC system. This introduced new legislative proposals for the Children's Wellbeing and Schools Bill (Exhibit KD/134 - DFE000087) currently progressing through Parliament. More details of these proposals are covered in chapter 6, paragraphs 449 - 449.4.

182. The Families First Partnership ("FFP") (Exhibit KD/135 - DFE000171) programme launched in April 2025 to support safeguarding partners to design and implement Family Help and multi-agency child protection reforms and make greater use of Family Group Decision Making. DfE wants local areas to develop a high-quality support system that places children and families at the centre of its design and offers meaningful, consistent support that responds to their changing needs.

183. In line with the FFP (Exhibit KD/135 - DFE000171), a new Family Help Lead Practitioner role will help practitioners build lasting relationships with families. Alongside this, we are embedding the Lead Child Protection Practitioner role, to ensure the LA statutory child protection duty is met.

184. Family Help was a central recommendation from the Independent Review of Children's Social Care (Exhibit KD/029 - DFE000204), which found that despite some strong practice across the country, too many children did not get the right support at the earliest opportunity. It also found that siloed working arrangements meant children and families were handed over between different teams as their needs changed – often meaning critical relationships were lost and the opportunity to provide support was delayed.

185. Family Help directly addresses these findings and builds on a robust evidence base from the Supporting Families programme, the Strengthening Families, Protecting Children programme, and lessons so far from the Families First for Children Pathfinder. In particular, the Family Help model draws heavily on the Supporting Families programme, where dedicated lead practitioners were appointed to work with children and families in a holistic way to address a range of needs. The independent evaluation of the Supporting Families programme found a 32% reduction in the rate of children becoming looked after two years after joining the programme.

186. The first implementation and process evaluation for the Families First for Children Pathfinder programme was published on July 10, 2025 (Exhibit KD/136 - DFE000197). It includes some positive early findings including evidence of improved multi-agency working, support for new lead practitioners' roles and increased consistency in support for children and families. The report shares early findings on delivery from interviews, focus groups and surveys. It is part of a 5-year evaluation programme.

Reflections (information sharing)

187. Following the notification of a serious incident to the department, local areas have 15 days to carry out a 'rapid review' to understand what can be learned to help protect children in future. Rapid Reviews are sent from local safeguarding partners (via the LA) to the Child Safeguarding Practice Review Panel. The Rapid Review in AR's case was requested by the DfE for the purpose of briefing ministers, given the high-profile nature of the case. The department received the Rapid Review (Exhibit KD/137 - AHCH000165) from the Panel on 6 September 2024. The local safeguarding partnership objected to the sharing of the Rapid Review beyond the DfE SSE, and the Panel sought legal advice which we understand confirmed this position.

188. DfE are working with the Children's Safeguarding Practice Review Panel to put in place an agreement which will assist with Rapid Reviews being able to be shared with OGDs in certain, limited, circumstances for the purpose of carrying out government business

(including government departments carrying out their functions, cabinet and ministerial committee business and government policy).

189. The recommendation on page 14 of the Rapid Review states that:

> *"It is recommended that the National Panel explore with Counter Terrorism Police HQ and relevant Central Government departments i.e the Home Office and Department for Education, guidance to support Safeguarding Partnerships to facilitate appropriate information sharing for statutory processes such as Rapid Reviews and CSPRs where Prevent is a factor."*

190. AR's case was directed to the Child Safeguarding Practice Review Panel and is now specifically addressed in the *'Child Safeguarding Practice Review Panel: Guidance for Safeguarding Partners'* (Exhibit KD/121 - **DFE000088**) published in June 2025. There is ongoing work with the HO to determine how best to share relevant information between local safeguarding partners and PREVENT.

Improvements to multi-agency information sharing

191. Poor information sharing has contributed to serious child safeguarding incidents over a prolonged period. The *Child Safeguarding Practice Review Panel's 2023-24 report* (Exhibit KD/012 - **DFE000236**) found that 81% of serious incidents involved poor coordination or handover between services. Issues included failures in information sharing, inconsistent record keeping, role confusion, delayed responses, and fragmented services, leading to missed critical information and delays in addressing children's needs. Further reflections on information sharing are included in Chapter 6, paragraphs 437 – 443.

192. Improved information sharing between agencies working with children and families can provide a holistic view of the child's circumstances, enabling timely intervention and the ability to involve the necessary services earlier, before a situation escalates. Practitioners must be able to find, receive, and share relevant information to assess risks and provide timely support.

193. The department has conducted research with frontline practitioners from CSC, health, education and police and has identified many of the barriers to good information sharing as set out in *Improving multi-agency information sharing* (Exhibit KD/138 - **DFE000238**) published in July 2023. One of these is a misunderstanding of the legislation around data protection and that is why the department is taking forward

measures to improve multi-agency information sharing in the Children's Wellbeing and Schools Bill, introducing a duty on agencies with a role in safeguarding children to share and request information for the purposes of safeguarding and promoting the welfare of children. This will be supported by statutory guidance to help practitioners comply with and use the duty in practice.

194. The Children's Wellbeing and Schools Bill also introduces a provision to enable the specification of a Single Unique Identifier ("SUI") for children. An SUI or consistent identifier is a unique number permanently assigned to each individual. An SUI can enable data to be shared more efficiently and accurately by linking records together from different agencies and platforms. Practitioners then must interpret the information within the context of each individual's situation.

195. A consistent identifier has been considered for some time, with the department publishing a report in 2016 on *A consistent identifier in education and children's services* (Exhibit KD/139 - **DFE000239**), followed by *Improving multi-information sharing* in July 2023 (Exhibit KD/138 - **DFE000238**). This report makes clear that a consistent identifier is only part of the solution, and that there are issues around interoperability, data governance, privacy, technology choices and associated costs that need to be fully explored. We have therefore commenced a series of test and learn pilots to explore these issues and will only proceed when we have evidence of the benefits, costs, security and governance of a SUI.

h. Suspension and permanent exclusion

196. Under the Education and Inspections Act 2006, headteachers of local authority local authority maintained schools in England are required to determine measures to be taken to regulate the conduct of pupils and maintain good behaviour, discipline and standards. Under section 51A of the Education Act 2002, a headteacher of a maintained school has the power to suspend or permanently exclude a pupil from the school premises, subject to various legal safeguards as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

197. DfE has issued statutory guidance *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* ("the exclusion guidance") (Exhibit KD/140 – **DFE000134**). In relation to this Inquiry, we are referring to the 2017 version of the exclusion guidance (Exhibit KD/031 - **DFE000098**). The guidance outlines the legal framework and expectations for schools when considering

exclusion, emphasising the importance of proportionality, safeguarding, and the consideration of wider contextual factors. It also sets out the responsibilities of governing boards, LAs and academy trusts in ensuring that exclusions are lawful, reasonable, and fair. The term governing boards is a term used in the statutory suspension and permanent exclusion guidance to cover governing bodies of LA maintained schools, management committees of pupil referral units, and academy trusts of academy schools and alternative provision academies. DfE expect schools, governing boards and LAs to implement the exclusion guidance in full compliance with statutory requirements. Governing boards are also expected to review the headteacher's decision to exclude and consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used as a last resort.

198. The department does not offer specific training programmes on the use of exclusions in schools, apart from outlining the clear processes that schools, LAs and governing boards are legally required to follow. The use of exclusion is monitored by the department through the termly School Census publication and the Daily Attendance data.

199. In light of AR's school history, including his permanent exclusion from Range High School and claims that he was himself a victim of bullying, this guidance is likely to be of relevance to the Inquiry's work.

200. The *School suspensions and permanent exclusions* guidance (Exhibit KD/140 - **DFE000134**) is published on GOV.UK. The guidance is kept under review and updated as necessary to ensure it supports schools and governance professionals effectively and is shared with stakeholders each time it is updated. In addition, targeted communications are issued to schools, LAs, and multi-academy trusts via newsletters, stakeholder bulletins, and direct emails. The department also works closely with sector bodies such as the National Governance Association, Confederation of School Trusts, and relevant unions to disseminate updates and ensure widespread awareness. Programmes such as Behaviour Hubs and AP networks further support the embedding of guidance into practice.

201. The 2017 version of the statutory exclusion guidance (Exhibit KD/031 - **DFE000098**) explained that any decision to permanently exclude a pupil should only be taken in response to both [1] a serious breach or persistent breaches of the school's behaviour policy; and [2] where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school. The guidance also sets out the process to be followed after the headteacher has already

decided to exclude a pupil. The guidance also made clear that any decision to exclude a pupil must be lawful, reasonable and fair.

202. The 2017 version of the exclusion guidance (Exhibit KD/031 - DFE000098) outlines the issues and considerations that arise in cases where a pupil has SEND, including those with an EHC plan, which a headteacher should take into account when considering whether to exclude such pupils.

203. The 2022 version of the exclusion guidance (Exhibit KD/141 - DFE000219) provides some non-exhaustive examples of the types of circumstances that may warrant a headteacher to issue a suspension or permanent exclusion. This includes physical assault, use or threat of use of an offensive weapon and bullying.

204. The 2022 version of the exclusion guidance (Exhibit KD/141 - DFE000219) sets out a number of strategies to prevent the recurrence of misbehaviour along with preventative measures with the aim of supporting a child or young person to improve their behaviour. This includes strategies and processes such as off-site direction (a temporary measure) and managed moves (permanent measure) as alternatives to exclusion.

205. Where a pupil is permanently excluded from a school, the exclusion guidance and section 19 of the Education Act 1996 (read together with the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007) states that it is the duty of the LA to arrange suitable full-time education for the pupil from the sixth day of the permanent exclusion.

Reflections

206. The 2017 version of the *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* guidance (Exhibit KD/031 - DFE000098) and the wider exclusions legal framework outlines longstanding duties set out in the section 51A of the Education Act 2002, under which are made the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 for headteachers, governing boards, and LAs designed to ensure any school exclusion is lawful, reasonable and fair. Fulfilment of these duties' rests with headteachers, schools, governing boards and LAs. While the statutory guidance sets out clear statutory expectations, this case does highlight a potential gap in DfE's ability to oversee whether those expectations are consistently met in practice.

207. The 2022 version of the guidance (Exhibit KD/141 - DFE000219) was designed and updated following extensive public consultation and amended regulations. This update reflected changes which meant when headteachers suspend a pupil, regardless of length they must also notify the LA, without delay, as they do with permanent exclusion and where a pupil has a social worker, or if a pupil is looked-after, the headteacher must without delay after their decision, notify the social worker and/or Virtual School Head, as applicable. Further updates were made to the guidance in 2023 (Exhibit KD/142 - DFE000220) to reflect amended regulations about a headteacher's ability to cancel an exclusion before the governing board has met to consider reinstatement and provision for remote access meetings for governing boards meetings and independent review panels following the use of these during the COVID-19 pandemic. Both updates to the guidance were well received by the sector.

208. Aside from guidance, schools are legally required to notify their LA immediately when a pupil has been permanently excluded from school. In 2022 this requirement was amended to include immediate notification of when a pupil has been suspended, regardless of length and without delay. At the time of AR's multiple suspensions and permanent exclusion schools were only required to notify the LA on a termly basis when pupils had been suspended. Given this change was made after AR's time in school, we cannot confidently confirm if the improved monitoring and oversight on exclusions at local and national level would have made a substantial difference in this specific case.

209. DfE has become aware, through internal NPD data (Exhibit KD/017 - DFE000181), as highlighted in paragraph 38, that AR was excluded from school under the reason 'other'. DfE has updated the reasons descriptor list in the School Census to include the use or threat of use of a prohibited item or offensive weapon and remove 'other' as reason to improve the oversight DfE have on exclusions. Whilst DfE does not have access to the full details of AR's exclusion, it appears that the school did follow the statutory duties as set out in the guidance, and the test set out in guidance for permanent exclusion when making the decision exclude AR.

Improvements

210. As highlighted, above DfE has made several updates to the statutory exclusion guidance and improved DfE's monitoring and oversight on exclusions data.

211. DfE have recently updated the exclusion guidance in 2024 (Exhibit KD/140 - DFE000134) to reflect technical updates following the School Attendance (Pupil Registration) (England) Regulations 2024 which came into force in August 2024.

212. DfE have also improved the collection of exclusion data:

    212.1. Since November 2022, the department began publishing exclusion data on a termly basis (with two terms in arrears) to ensure the data is more readily available.

    212.2. DfE collects data on the use of code E (exclusion) through the daily attendance data to monitor the use of exclusions and pupil movement in real-time.

    212.3. DfE updated the reasons descriptor list for exclusions and amended regulations to allow schools to select up to 3 reasons for exclusion when submitting their School Census data.

213. The department is actively considering how to strengthen the guidance, improve oversight on data, and ensure that exclusions are used only when absolutely necessary.

i. Use of force in schools

214. DfE has published non-statutory guidance *Use of reasonable force* (Exhibit KD/062 - DFE000054), first published on 17 July 2013. This makes it clear that school staff have the power under section 93 of the Education and Inspections Act 2006 to use reasonable force to prevent or stop pupils from committing an offence, hurting themselves or others, causing disorder among pupils, and damaging property. The guidance also makes it clear that head teachers, and others authorised by the headteacher, can use such force as is reasonable to conduct a search for some 'prohibited items'. The relevant prohibited items as defined in subsection (3) of section 550ZA of the Education Act 1996: certain knives and weapons, alcohol, illegal drugs, stolen items, any article that the searcher reasonably suspects has been or will be used to commit an offence or cause personal injury to, or damage to property of, any person (including the pupil), tobacco and cigarette papers, fireworks, and pornographic images.

215. The department ensures visibility of the *Use of Reasonable Force in Schools* guidance (Exhibit KD/062 - DFE000054) by publishing it on GOV.UK, where it is accessible to all school leaders, staff, and governing bodies. Schools are expected to implement the guidance by developing clear internal policies on the use of reasonable force, ensuring these are understood by all staff and aligned with statutory responsibilities. Headteachers

and governing bodies should ensure staff are confident in applying reasonable force appropriately and lawfully, particularly in situations where safety is at risk.

216. Given that the law and guidance concerning the use of force in schools forms part of the overall architecture aimed at ensuring good standards of behaviour and discipline in schools, this guidance is of potential relevance to the work of the Inquiry.

217. Whilst the department does not provide training (other than by promulgating the guidance) or directly monitor the use of force in schools, schools are encouraged to provide regular, scenario-based training to staff, particularly those in frontline roles, to ensure confidence and consistency in applying the guidance.

Reflections

218. DfE expects schools to apply the *Use of reasonable force in schools* guidance consistently, ensure staff are trained where appropriate, and to use force only when necessary and proportionate (Exhibit KD/062 - **DFE000054**). The *Use of Reasonable Force* guidance describes a framework for when and how school staff may use physical intervention to prevent harm, damage or disruption. However, the guidance may not have offered sufficient practical or safeguarding support for schools facing high-risk situations. The 2013 version of the guidance is notably brief and focused on legal powers. In cases where a pupil's behaviour becomes dangerous to others, such as physical aggression or possession of a weapon, schools must make rapid decisions under pressure. DfE is in the process of updating this guidance and bringing in a legal requirement on schools to record and report significant use of force to parents.

Improvements

219. The department is in the process of revising the 2013 version of the *Use of Reasonable Force* guidance and bringing into force legislation requiring schools to record and report each significant incident of use of force to parents. Informed by a public call for evidence, qualitative research and comprehensive stakeholder engagement, the department developed draft guidance *Use of reasonable force and other restrictive* (Exhibit KD/062 - **DFE000054**) and launched a 12-week consultation which ended on 29 April 2025. The department is currently analysing the consultation results which will inform final updates to the revised guidance, which will be published in due course.

j. Searching, screening and confiscation

220. Headteachers of schools in England and the staff they authorise have a statutory power to search a pupil where they have reasonable grounds to suspect that the pupil may have a 'prohibited item', such as an offensive weapon ('Prohibited item' is defined in section 550ZA(3) of the Education Act 1996.). DfE has issued non-statutory guidance *Searching, screening and confiscation in schools* ("the search guidance"), first published in February 2014 (Exhibits KD/063 - DFE000118, KD/064 - DFE000117 and KD/065 - DFE000116), to assist in the use of this power. The search guidance is to be read together with further non-statutory guidance *Behaviour in schools* (Exhibits KD/068 - DFE000119 and KD/066- DFE000120).

221. The department ensures visibility of the search guidance by publishing it on GOV.UK and updating it to any reflect legislative changes and best practice. The guidance is shared with schools, LAs, and trusts through stakeholder communications, newsletters, and sector engagement.

222. Based on the understanding that AR carried an offensive weapon to school on at least ten occasions, this guidance is likely to be relevant to the Inquiry's work.

223. DfE's non-statutory guidance *Use of reasonable force in schools* (Exhibit KD/062 - DFE000054) makes clear that headteachers and those they authorise can use such force as is reasonable to conduct a search for prohibited items, including knives and weapons; and see paragraph 22 of (Exhibit KD/065 - DFE000116).

224. The 2018 version of the search guidance (Exhibit KD/065 - DFE000116) outlined that it is the headteacher's responsibility to consider whether a member of staff requires any additional training to enable them to carry out their searching responsibilities.

225. The designated safeguarding lead should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item.

226. School staff do not have the power to conduct a strip search; these can only be conducted by a police officer.

227. Bladed articles and offensive weapons are 'prohibited items' for these purposes: section 550ZA of the 1996 Act.

228. The 2018 version of the search guidance (Exhibit KD/065 - DFE000116) contained advice, concerning steps to be taken where a prohibited item is discovered and outlined

the power to seize and confiscate items. As indicated above, the 2022 version of the exclusion guidance identifies the carrying of an offensive weapon as behaviour which may justify a suspension or permanent exclusion.

229. Any weapons or items which are reasonably suspected to be evidence of an offence must be passed to the police as soon as possible, with certain exceptions set out in section 550ZC of the Education Act 1996. Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the SSE in paragraphs 67-68 of the *Searching, Screening and Confiscation guidance* (Exhibit KD/065 - **DFE000116**. Schools may also wish to refer to this guidance from the National Police Chief's Council: *When to call the police: Guidance for schools and colleges* (Exhibit KD/143 - **DFE000121**).

230. As outlined in the guidance, schools should consider whether the reasons for a search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed, regardless of whether any item was found. In these instances, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

231. When exercising their powers, schools must also consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with special educational needs and making reasonable adjustments that may be required where a pupil has a disability.

232. The guidance should be read in conjunction with the *Behaviour in schools* guidance (Exhibit KD/068 - **DFE000119**) which sets out how schools should develop and implement a behaviour policy with effective strategies to encourage good behaviour and sanctions to prevent and respond to misbehaviour.

233. As outlined in the *Behaviour in schools* guidance (Exhibit KD/068 - **DFE000119**), if any prohibited items are found during a search, then the staff member should alert the designated safeguarding lead (or deputy), and sanctions against the pupil should be considered in line with the school's behaviour policy and applied with discretion, taking into account the context and safeguarding considerations.

234. The *Searching, screening and confiscation* guidance (Exhibit KD/065 - DFE000116) is aligned with *Behaviour in Schools* (Exhibit KD/068 - DFE000119), and the statutory guidance on *Keeping children safe in education* (Exhibit KD/052 - DFE000056) and *Working together to safeguard children* (Exhibit KD/011 - DFE000106) , which encourages schools to follow a joined-up approach to pupil welfare and discipline. Schools are expected to embed the guidance into their behaviour policies, which should be communicated clearly to staff, pupils, and parents. Creating a culture that promotes excellent behaviour requires a clear vision of what good behaviour looks like. Schools' circumstances will vary but every culture should ensure pupils can learn in a calm, safe, and supportive environment and protect them from disruption. Schools should be clear about which behaviours are permitted and prohibited; the values, attitudes, and beliefs they promote and the social norms and routines that should be encouraged throughout the school community. The school's behaviour policy should provide details on how staff will support pupils to meet these expectations.

235. The guidance is regularly reviewed and updated when necessary to reflect legal changes and safeguarding reviews, having had its last major update in 2022 in response to the events involving Child Q. The DfE met the recommendations by the Hackney Safeguarding Review for the guidance to make more explicit reference to safeguarding, amend outdated language and emphasise the importance of keeping records and engaging parents as part of best safeguarding practice.

236. The updated 2022 version of the search guidance is clear that all searches by a member of staff for a prohibited item (including knives) should be recorded in the school's safeguarding system, including whether or not an item was found. Parents should always be informed of any search for a prohibited item that has taken place & the outcome of the search as soon as is practicable.

237. Paragraphs 53, 54 and 56 in the updated 2022 version of the search guidance (Exhibit KD/065 - DFE000116) contains advice relating to screening, such as through detection equipment. In particular, paragraph 53 encourages headteachers to consult with local police before considering installing screening technology who may be able to provide advice about whether installation of these devices is appropriate.

238. The department does not offer or mandate a specific training programme for searching, screening and confiscation, schools are encouraged to ensure that a sufficient number of staff are trained in how to conduct searches safely and lawfully and there is guidance and toolkits available to support schools develop internal policies including training.

Reflections

239. DfE expects schools to apply the *Searching, screening and confiscation* guidance (Exhibit KD/065 - DFE000116) consistently and ensure staff are trained appropriately. While the guidance describes for schools the legal powers to search pupils and confiscate prohibited items, including weapons, it also raises complex questions about safeguarding, proportionality, and the practical realities of implementation.

240. The presence of weapons in schools is a serious concern, whilst the law rightly empowers headteachers and authorised staff to conduct searches where there is reasonable suspicion, this incident highlighted the need for clearer support around how and when those powers should be exercised, particularly in high-risk situations. The seach guidance was extensively updated in 2022. This guidance update marked a significant step forward in clarifying schools' powers and responsibilities, particularly in relation to safeguarding and the handling of serious incidents such as the possession of weapons. The revised guidance emphasises the importance of creating safe, calm, and supportive school environments, and provides clearer advice on how and when searches should be conducted. As the incident with AR took place in 2019, it is difficult to confidently conclude the outcome would have been different, however the 2022 update of the search guidance provides a more robust framework for managing such incidents. It supports schools not only in exercising their legal powers but also in recognising and responding to the wider safeguarding context, something that may have been less explicit in earlier versions.

241. This reinforces the importance of ensuring that guidance evolves in response to real-world incidents and that schools are supported to apply it confidently and consistently.

Improvements

242. The searching, screening and confiscation guidance was updated extensively in 2022 following the Child Q incident and the recommendations by the City and Hackney local child safeguarding practice review.

k. Prevent and radicalisation

243. The Prevent duty, introduced in section 26 of the Counter-Terrorism and Security Act 2015, places a statutory obligation on schools and other education providers to have due regard to the need to prevent people from being drawn into terrorism. The *Prevent Duty Guidance* (Exhibit KD/144 - DFE000055) is statutory guidance, issued by the HO,

which sets out the responsibilities of all specified authorities, including relevant education settings, to safeguard individuals from being drawn into terrorism.

244. Education settings that are subject to the Prevent duty (as outlined in the specified authorities section of the *Prevent duty guidance*) (Exhibit KD/144 - DFE000055) should understand the requirements of the duty as part of their wider safeguarding and welfare responsibilities. This is particularly important, given that education accounts for approximately 40% of Prevent referrals as shown in the latest data published by the HO (Exhibit KD/145 - DFE000142).

245. For schools and colleges, the *Prevent duty guidance* (Exhibit KD/144 - DFE000055) should be read alongside relevant safeguarding guidance. In England, this includes *Working together to safeguard children* and *KCSIE* (Exhibits KD/011 - DFE000106 and KD/052 - DFE000056). From its July 2015 update onwards, *KCSIE* guidance has emphasised the need for education settings to understand the Prevent duty as part of wider safeguarding and welfare responsibilities (Exhibit KD/035 - DFE000198).

246. DfE publishes non-statutory guidance *The Prevent Duty: Safeguarding Learners Vulnerable to Radicalisation* (Exhibits KD/069 - DFE000122, KD/070 - DFE000123, KD/071 - DFE000124, KD/072 - DFE000125 and KD/073 - DFE000126) ("the Prevent Safeguarding Learners guidance") which provides tailored advice for education settings in England on embedding Prevent within wider safeguarding practice. The guidance was first published in October 2022 and updated in October 2023 following changes to the Prevent duty guidance, made by the HO following the *Independent Review of Prevent* (Exhibit KD/146 - DFE000127). The guidance supports education settings and delegated safeguarding leads to comply with the Prevent duty, and to make referrals into Prevent. As AR was referred to Prevent on three separate occasions by school staff, this guidance is likely to be relevant to the work of the Inquiry.

247. The *Prevent Duty: Safeguarding Learners Vulnerable to Radicalisation* is composed of four separate documents:

    247.1. The first covers an introduction to the Prevent duty which includes steps on building partnerships locally, raising and reporting concerns to the relevant responsible agencies, and links to appropriate training and resources.

    247.2. The second part outlines the threats posed by terrorism, extremism, and online radicalisation and the factors which can affect young people's susceptibility.

247.3. The third part supports settings to identify the varying levels of risk that children may face or pose, and how to manage those risks.

247.4. The final fourth part provides a variety of case studies which cover examples of the Prevent process, the multi-agency nature of support, and practical interventions and risk management by education settings.

248. Part one of the *Prevent duty: an introduction for those with safeguarding responsibilities* (Exhibit KD/069 - DFE000122) states that Prevent duty considerations should be incorporated into existing school policies and risk assessments, where appropriate to do so. This includes assessing and responding to the risk of learners becoming terrorists or supporting terrorism, ensuring that safeguarding policies reflect Prevent responsibilities, and providing guidance and training to designated safeguarding leads and staff. Providers must also show evidence of:

248.1. productive co-operation, in particular with local Prevent staff, the police and LAs;

248.2. co-ordination through existing multi-agency forums.

249. The updated statutory HO *Prevent duty guidance 2023* (Exhibit KD/144 – DFE000055) makes clear that:

"when a child leaves a school or college, relevant information about engagement with Channel and the outcome of this should be securely transferred within the appropriate child protection file".

The HO *Channel duty* guidance 2023 (Exhibit KD/147 - DFE000143) encourages panels to share information regarding Channel cases between settings e.g.

"*when a participant is involved in education and then changes education setting, the new education setting is invited to join the panel and contribute to the support*".

250. DfE's *KCSIE guidance* (Exhibits KD/052 - DFE000056 and KD/148 - DFE000057) further reiterates that the Prevent duty should be seen as part of the wider safeguarding obligations of schools and colleges. It states that designated safeguarding leads in schools and colleges should be aware of local procedures for making Prevent referrals. KCSIE gives a brief explanation of Channel, links to HO statutory guidance, and outlines sources of additional support. These sources include *the Prevent Duty: Safeguarding Learners Vulnerable to Radicalisation* guidance, e-learning (Exhibit KD/074 - DFE000144) covering Prevent awareness, Prevent referrals, and Channel awareness. It also includes

links to *Educate Against Hate* (see below), specific training in Prevent for the further education and training education sectors (Exhibit KD/149 - DFE000145), and resources from the London Grid for Learning Prevent duty resources (Exhibit KD/150 - DFE000146).

251. Implementation of the Prevent duty will vary across different specified authorities, reflecting their distinct functions, structures, and remits. While the risk of radicalisation differs by context, no institution or area is entirely risk-free. All statutory partners within DfE's remit, including schools and LAs, are expected to assess the level of risk in their setting and to consider the type and scale of activity that is appropriate to address it.

252. The education regulators and inspectorates play a key role in ensuring that those with governance or oversight responsibilities in schools and other relevant settings are meeting their statutory obligations under the Prevent duty. In schools under the Ofsted regime, this oversight is exercised through the inspection process, where compliance is evaluated as part of safeguarding and leadership assessments.

253. DfE publishes comprehensive advice and resources freely available on its *Educate Against Hate* website (Exhibit KD/151 - DFE000058), to support teachers in protecting children from extremism and radicalisation. Since launching in 2016, over 3 million users have viewed the *Educate Against Hate* campaign, which helps users understand the risk of radicalisation to children and young people. *Educate Against Hate* extends to providing guidance on online media literacy, online safety, keeping children safe in education, amongst other topics not of direct relevance to the Inquiry's work.

254. DfE also employs eight regional Prevent Co-ordinators (Exhibit KD/152 - DFE000061), who each support the delivery of Prevent across the regions of England. The network has been in place throughout the relevant period (2019 to 2024), although their remit has evolved over time – initially focussed on HE/FE until 2022, expanding to cover all education sectors from 2023 onwards. They now act as DfE's 'anchor' within Prevent structures in their region, leading regional relationships with key Prevent and police partners, including education institutions. They advocate for the sector but are also feeding back to DfE about risk, insight, gaps and challenges. This in turn informs policy and resource development to ensure continuous improvement in DfE provision. The responsibilities of this network are:

    254.1. Helping education providers improve their Prevent delivery, including where monitoring bodies have identified concerns.

254.2. Supporting education providers to identify, and in the managing of, complex radicalisation or terrorism cases involving children, staff, young people or learners, including facilitating local interventions.

254.3. Delivering bespoke training when specific risks/threats have been identified in their regions.

254.4. Working with DfE's Rapid Response team to support education providers and local partners, including LAs and police, in responding to serious incidents or terrorism-related incidents.

254.5. Delivering a consistent national offer to improve minimum delivery standards through online training and webinars for education providers.

254.6. Delivering key updates and best practice through regional communications.

254.7. Driving consistent collaboration on Prevent at a regional level by co-ordinating activity with key regional partners.

255. Given the large scale of the sector, this is approached in a risk-based way, using data and partner insight to identify where to focus finite resources.

256. The regional co-ordinator network has developed a new 'Universal training' offer (Exhibit KD/152 - **DFE000061**). This launched in September 2024 and is designed to help build a minimum level of capability in Prevent implementation across education settings in England. This is advertised on GOV.UK and signposted to the education sector through targeted newsletters.

257. Additionally, DfE has a role in supporting and directing the HO funded Prevent Education Officer network in England and Wales, including during the relevant time (2019 to 2024). These roles are in LAs where the HO has identified a heightened risk of radicalisation. This includes posts within Liverpool (now covering neighbouring LAs) and Lancashire. The responsibilities of this network, which remained consistent throughout the relevant period, are:

257.1. Actively working within LA Prevent structures and supporting the process and settings where appropriate on cases and interventions.

257.2. Developing bespoke lesson resources and delivering training to school staff.

257.3. Creating resources and offering support at a local level

257.4. Working with DfE coordinators and central team to inform resource development and policy insight

258. As well as working with DfE Regional coordinators these individuals also have relationships with the HO Prevent network through their LA Prevent Coordinators.

259. Also, of potential relevance to the Inquiry is whether autism, which AR is known to have been diagnosed with, increases the risk of radicalisation. Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation (Exhibit KD/153 - DFE000128) has assessed various studies and held conversations with the Counter-Terrorism network and concluded that autism is a relevant factor in caseloads. Jonathan Hall believes that 'autism plus' is a relevant factor in many cases meaning that there tends to be an additional factor causing increased susceptibility such as isolation, unstable home environment, or additional cognitive difficulties. It should be noted this is in relation to general populations, not children specific.

260. An internal DfE literature review found no evidence to indicate a direct link between autism and radicalisation in the general population (studies tend to include a broader population, without distinguishing between gender or age-specific factors that might influence radicalisation pathways in young males). It did show a possibility that there may be certain autistic characteristics which could increase potential to radicalisation in specific contexts. Regarding the broader SEN cohort, the review highlighted that research has found that young people with learning difficulties have limited understanding of online safety, and parents are concerned about their increased vulnerability to online risks, including radicalisation. Examples of the areas of difference that may impact susceptibility to radicalisation in autistic children and young people are:

260.1. Differences in social communication which may lead to increased susceptibility due to misunderstanding the intentions of others.

260.2. Social isolation which may increase the appeal of belonging to a group or a cause and further encourage a possible preference for online interaction.

260.3. Differences in processing information mean autistic individuals may be rigid or singular focused in their thinking and find it harder to switch to alternative viewpoints.

260.4. Difficulty understanding others' perspectives (Theory of Mind) which may lead to the acceptance of radical views without question.

260.5. Uncertainty when differentiating right from wrong especially in complex or emotionally charged situations.

260.6. Heightened sense of fairness and justice which can be manipulated by narratives which frame issues as deeply unjust.

260.7. Literal thinking can make it difficult to interpret hidden motives, sarcasm or inference.

260.8. Can be detail focused (weak central coherence) and may focus on details and not see the bigger picture.

261. The National Autistic Society (Exhibit KD/154 - DFE000199) highlight the possibility of specific increased risk to autistic individuals in the online space: 'Characteristics of autism such as literality, rule based and fixed thinking, and challenges around understanding people's motives and intentions coupled with difficulties being able to critically assess 'the bigger picture' make it essential that professionals teach digital resilience in an autism-specific way. It should be recognised that when clustered together, these risk factors can make autistic people particularly vulnerable to online extremist propaganda and ideology.'

262. Arrests of children (mainly boys) related to terrorism are at the highest levels since records began (Exhibit KD/155 – DFE000205). Arrests for those aged 17 and under increased from 24 to 40 (67% increase) in the year ending March 2024. In general, most offences relate to the collection or dissemination of terrorist material online. Autism prevalence data is not included in the published HO statistics. We are aware that media reporting (Exhibit KD/156 - DFE000130) suggests autism is prevalent among Terrorism Act offenders.

263. The broad spectrum of autistic characteristics and the resulting support needs, especially where comorbidities such as mental health concerns are also present, can make it challenging for Counter-Terrorism Policing to assess risk and provide early intervention and support for an individual on Channel without specialist support. Counter Terrorism Policing Headquarters host a National Counter Terrorism Clinical Consultancy Service which is a partnership service between Counter Terrorism Policing and the NHS. The multidisciplinary forensic mental health team delivers a service that aims to identify and address the mental health needs of individuals who are managed by counter-terrorism case officers, thereby mitigating counter-terrorism risk and improving the mental health

and wellbeing of those individuals. Referrals to the team include adults and young people from diverse backgrounds and a broad range of presenting needs and risks.

264. In December 2024, the Home Secretary announced a strategic policy review to identify and drive improvements in how those referred into Prevent with mental health or neurodiversity needs are supported and managed. This has been undertaken, and a report is being prepared for ministers with findings. The department will work with the HO on any recommendations or actions that fall within the DfE remit.

Reflections

265. The Prevent Learning Review (Exhibit KD/157 – DFE000200), published by the HO on 5 February 2025, set out that AR was referred to Prevent on three separate occasions by education settings. DfE typically does not receive information about individual Prevent referrals, and this was the case here.

266. The Prevent Learning Review (Exhibit KD/157 – DFE000200) for the Southport attack set out that school staff appear to have correctly identified concerning behaviour that demonstrated AR was at risk and followed the correct procedures of making a Prevent referral as the best route available, showing a good understanding of the referral process and making justified decisions based on the guidance available at the time, by recognising the concerns observed in the behaviours of AR as well as his use of school internet. The review found that AR should have been referred into Channel following the referral to Prevent.

267. Once a referral has been made, the referrer does not play a role in the decision-making process, though may be approached for additional information. However, had the case been adopted DfE would expect the referring school to be asked to join the Channel panel for ongoing discussion of the case and to identify school-based interventions alongside other partners. In having identified the nature of the observed concerns, and making the referrals to Prevent, the schools in question had met their duty under Prevent.

268. However, this case highlights potential gaps in the current system. The Review raises concerns about the cumulative impact of multiple referrals over time and whether AR's needs were being adequately addressed by services outside of Prevent. On the matter of repeat referrals, it was acknowledged that since this case there has been additional guidance in the Prevent system on repeated referrals of the same individual. While the Prevent referrals were not adopted, this does not mean the underlying behavioural

concerns identified by the schools were not legitimate. The Prevent Learning Review identifies additional services were engaged with AR and his family. It is not clear to DfE how much interaction or awareness the school would have had of other services engagement with AR, and whether within these there were potential gaps which the school could have filled had they been aware. The DfE recognises that when cases are not adopted into Prevent there has been inconsistency in the onward signposting either back to the referrer or on to additional local services, and the department has raised this concern with partners previously. We are aware that the HO is currently piloting a more structured approach to cases not suitable for Prevent but with demonstrable high risks and anticipate learning from this pilot to inform our support to the education sector on such instances.

269. A key issue is that engagement with local services is voluntary for the individual. AR did not engage with all the local services he was offered.

270. To DfE it is not fully clear how much detail was given to the schools following the decision not to adopt AR into Channel. There is limited reference to this within the Prevent Learning Review for AR, it notes that on the closure of the third referral the case was signposted back to the school. The Prevent Learning Review also included some reference to how in the first referral, the school was directly addressing the disruptive behaviour of AR. At this stage of the inquiry, DfE does not have the full details of what feedback or discussion took place between the referring schools and the police. DfE acknowledges that in some cases, it may not be appropriate to provide feedback to the referrer (in this case, the education settings) for operational reasons. However, when feedback is possible, informing the referrer about other support ongoing or available and the reasoning behind decisions would help allow for better-informed choices about how to support the individual and whether further assessment is needed.

271. DfE works closely with the HO on Prevent. The education sector is routinely the main referring sector into Prevent and as such DfE are active partners in the HO-led pilots and initiatives following this case. DfE provides a range of comprehensive guidance and training to support teachers to implement the Prevent duty and protect children from the risks posed by extremism and radicalisation. Schools are already highly experienced in safeguarding, and the department has confidence in the professional judgement of teachers if they decide a referral is appropriate. Advice and guidance on the Prevent duty make clear that if teachers have concerns about any pupils, they should follow normal safeguarding procedures and act proportionately. There are no mandatory reporting requirements under the duty.

272. The COVID-19 School Snapshot 2021 survey (Exhibit KD/158 - **DFE000172**) highlighted that the overwhelming majority of school leaders (98%) were confident in the school's ability to train staff to recognise and refer radicalisation concerns. The vast majority were also confident in the school's ability to deal with a safeguarding incident related to terrorism or extremism (94%), understand how the local and national counter-terrorism risk/threat relates to Prevent delivery (91%) and to have conversations with pupils around radicalisation, extremism and terrorism (87%). Subject to ministerial approval, we intend to survey the sector once more on similar questions to those outlined above.

273. Teachers are subject to professional requirements to safeguard pupil wellbeing, whilst understanding, and acting within, statutory frameworks such as the Equality Act 2010. A Prevent referral allows for a multi-agency safeguarding assessment to be conducted, where all referrals are carefully assessed based on the specific details of the case. If the person is not at risk of radicalisation, they are not a case for Prevent. Where appropriate, the person may instead be offered other support, for example being referred to mental health services or social services.

274. Prevent often works with individuals who are vulnerable, and who have multiple or complex needs. Sometimes, it can be the case that the risk of radicalisation is not clear, but frontline professionals and the public nonetheless have concerns. In these instances, it is appropriate for individuals to make a referral in the knowledge that the rigorous assessment process will identify a proportionate response.

275. Prevent is a complex multi-agency response to the risk of radicalisation to terrorism and violent extremism. While education settings can play an important role in ongoing support to individuals who are adopted in to Prevent and subsequently the Channel programme, their key role is in early identification of that risk and referral into the appropriate authorities through the relevant local gateway.

Improvements

276. DfE does not want to pre-empt the activity and outcomes of this Inquiry but at the appropriate time DfE would be keen to speak directly with the schools to better understand their interactions with Prevent on these cases and what additional learning we can apply to our own guidance as well as informing our work with the HO and police.

277. There have been several changes to Prevent guidance and support during and since AR's engagement with Prevent. Much of this was implemented in the system by police and the HO. DfE has made significant changes in the past few years, broadening out DfE's Regional Coordinators remit to include schools, introducing the universal offer of training for designated safeguarding leads and governors, and in the continuing addition of resources and guidance for the sector available through *Educate Against Hate* and GOV.UK.

278. DfE welcomes, and has supported, the ongoing work from the HO on Prevent thresholds as DfE recognises the impact that cases not being adopted into the Channel programme has on the referring education setting. As with prior changes DfE will ensure that the lessons learned more broadly about Prevent are fit for purpose for the education sector, and that there is clarity on the expectations of education settings.

I. Mental health

279. Section 21 Education Act 2002 (maintained schools) and Part 8 Education (Independent School Standards) Regulations 2014 (academies) place statutory duties on schools to promote the wellbeing of their pupils.

280. DfE and Public Health England first published non-statutory guidance *Promoting children and young people's emotional health and wellbeing* in March 2015. This was last updated in November 2023 with the title *Promoting children and young people's mental health and wellbeing* (Exhibits KD/077 - **DFE000062**, KD/076 - **DFE000131** and KD/075 - **DFE000132**). In light of reports that AR may have experienced mental health problems while in school, this guidance is likely to be relevant to the Inquiry's work.

281. The guidance encourages schools to adopt an effective whole-school approach to mental health and wellbeing. The guidance identifies four key roles for schools:

    281.1. Prevention: creating a safe and calm environment where mental health problems are less likely, improving the mental health and wellbeing of the whole school population, and equipping pupils and students to be resilient so that they can manage the normal stress of life effectively. This will include teaching pupils and students about mental wellbeing through the curriculum and reinforcing this teaching through school activities and ethos.

    281.2. Identification: recognising emerging issues as early and accurately as possible.

281.3. Early support: helping pupils and students to access evidence informed early support and interventions.

281.4. Access to specialist support: working effectively with external agencies to provide swift access or referrals to specialist support and treatment.

282. Prior to 2021, the previous iteration of this guidance also outlined key actions to help headteachers embed a whole-school approach to promoting emotional health and wellbeing. The guidance aimed to support schools in protecting and enhancing pupil wellbeing, while offering practical examples and links to relevant statutory guidance and resources.

283. There is variation within the sector in terms of how DfE's expectations on mental health and wellbeing are met and to what extent DfE's non-statutory recommended whole-school approach is adopted. It is for schools to determine the pastoral provision required in their setting to meet the specific needs of their pupils. Many schools will also work with or employ more specialist roles as part of their pastoral provision, such as school nurses, school counsellors/therapists or voluntary/community sector organisations which provide mental health services. The department provides non-statutory guidance for schools about setting up and improving counselling services for pupils (Exhibit KD/159 - **DFE000133**).

284. Mental health is also addressed in statutory guidance *KCSIE* (since 2018), *SEND Code of Practice* (since 2014), *Supporting pupils at school with medical conditions* (since 2015) and *Relationships and Sex Education and Health Education (RSHE)* (since 2019) *guidance* (Exhibits KD/148 - **DFE000057**, KD/092 - **DFE000042**, KD/160 - **DFE000147** and KD/161 - **DFE000074**). These all emphasise the importance of recognising and responding to mental health needs as part of broader safeguarding and inclusion responsibilities.

285. The statutory guidance referenced above sets out how mental health and wellbeing considerations should be included. For example:

285.1. Relationships, Sex and Health Education ("RSHE")/Curriculum: Current RSHE guidance states that pupils should know how to talk about their emotions accurately and sensitively, using appropriate vocabulary, how to recognise the early signs of mental wellbeing concerns, common types of mental ill health (e.g. anxiety and

depression), and how to critically evaluate when something they do or are involved in has a positive or negative effect on their own or others' mental health.

285.2. SEND: The *SEND Code of Practice* (Exhibit KD/092 - **DFE000042**) recognises social, emotional and mental health difficulties as a one of four broad areas of need which may arise in the context of special educational needs. Schools are expected to have clear processes to support pupils with social, emotional and mental health difficulties, and to manage the impact of disruptive behaviour so it does not adversely affect other pupils. The *SEND Code of Practice* 2015 states that professionals should be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. The Code recognises that such events will not always lead to children having SEN but that they can have an impact on wellbeing which can be severe.

285.3. Supporting pupils with medical conditions: DfE's *Supporting pupils at school with medical conditions* guidance 2017 (Exhibit KD/160 - **DFE000147**) addresses pupil mental health and wellbeing as part of its broader focus on supporting all pupils with medical conditions. The guidance explicitly states that its aim is to ensure that all children with medical conditions, including mental health conditions, are properly supported in school so they can play a full and active role in school life, remain healthy, and achieve their academic potential. It recognises that medical conditions can have emotional and social implications, including anxiety or depression, bullying and self-consciousness about their condition, and that these issues can affect a Child's general wellbeing, emotional health, and ability to integrate with peers.

285.4. Safeguarding: While *KCSIE 2018* (Exhibit KD/038 - **DFE000224**) acknowledged mental health in the context of safeguarding, such as risks linked to children missing from education or family circumstances, it did not provide extensive guidance. A more detailed and structured focus on mental health as a safeguarding concern was introduced in *KCSIE 2020* (Exhibit KD/042 - **DFE000228**). This version of the guidance included a section on mental health (page 11) for the first time, which set out that mental health problems can be indicators of abuse, neglect, or exploitation. This version of the guidance emphasised that while only trained professionals should diagnose mental health issues, where 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 designated safeguarding lead or a deputy. *KCSIE* 2024 guidance (Exhibit KD/050 - DFE000234) included expectations that governing bodies and proprietors ensure that they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems. The version of the guidance also refers to the senior mental health lead role, which whilst not mandatory, is a role administered in circa 90% of schools and colleges.

286. Additionally, *Behaviour in schools* guidance (2022, 2024) (Exhibits KD/067 - DFE000150 and KD/068 - DFE000119) places significant emphasis on mental health and wellbeing as part of a whole-school approach to behaviour. It stresses that good behaviour is central to a good education and that schools should provide calm, safe, and supportive environments where pupils can thrive. Schools are encouraged to identify pupils who may need additional behavioural support early on. This includes recognising when poor behaviour may be linked to underlying mental health issues and ensuring appropriate pastoral support is provided. Behaviour policies should align with safeguarding policies and reflect the school's legal duties regarding pupil welfare. This includes being mindful of mental health needs and ensuring staff are trained to respond appropriately.

287. DfE's M*ental health and behaviour in schools* guidance 2018 (Exhibit KD/079 - DFE000149), sets out the importance of ensuring that schools understand the local services available and how and when to draw on or commission them. Where required, schools should expect parents and pupils to seek and receive support elsewhere, including from their GP, NHS services, trained professionals working in specialist Children and Young People's Mental Health Service ("CYPMHS"), (previously known as Child and Adolescent Mental Health Service ("CAMHS")), voluntary organisations and other sources. When schools suspect a pupil has a mental health problem, they should use the graduated response process (assess – plan – do – review) to put support in place. There are also a number of established and widely used identification and measurement tools provided by external organisations that schools source, such as the *Strengths and Difficulties Questionnaire ("SDQ")* and *Boxall Profile*, which can support this process (Exhibits KD/162 – DFE000063 and KD/163 - DFE000064).

288. DfE maintains the *Promoting and supporting mental health and wellbeing in schools and colleges* webpage (Exhibit KD/164 - DFE000065), which is an online resource hub and toolkit for schools. Through this webpage, DfE regularly promotes resources to the sector,

particularly around key mental health awareness moments in the year and seeks to embed messages and links to these resources in other relevant guidance.

289. The Wellbeing for Education Return programme (Exhibit KD/165 - DFE000221) ran from August 2020 to March 2021. It was an £8 million initiative set up to help all LAs in England (including Sefton Council) to provide additional temporary, urgent guidance to schools and colleges to enable education staff to support the immediate mental health and wellbeing challenges arising from the pandemic. This was followed by a further announcement in May 2021 of £7 million provided to LAs for the Wellbeing for Education Recovery programme, to support schools and colleges to recover from the impacts of the pandemic. It is estimated that LAs delivered training to 11,000 schools and colleges (46% of all settings) as a result of, or using materials provided by, WER (Exhibits KD/166 – DFE000066 and KD/167 - DFE000067) and MindEd Hub (Exhibit KD/168 - DFE000148).

290. Between October 2021 and December 2024, schools and colleges were also able to apply for a DfE senior mental health lead grant to access training helping education staff to embed a whole school or college approach to mental health and wellbeing. Up to the end of the department's programme on 31 January 2025, 17,995 (81% of) state-funded schools and colleges that were eligible to apply had successfully claimed a grant to train a senior mental health lead.

291. Mental Health Support Teams ("MHSTs") provide direct support for pupils, but also support wider school practice and awareness around mental health. MHSTs are now being expanded to reach every school and covered 52% (5 million) of pupils / learners as of April 2025.

292. As relevant to this Inquiry, the Acorns School claimed a senior mental health lead training grant on 17 December 2021; however, it has not yet received support from a MHST as of March 2025. Decisions regarding allocation of MHSTs are taken locally by ICBs, targeting areas of greatest deprivation and inequality first. Presfield High School also claimed a senior mental health lead training grant on 2 November 2023 and worked with an MHST between 2021 and 2022.

Reflections

293. Schools do not have stand-alone duties in relation to pupil mental health and wellbeing. They are subject to statutory duties which relate to identifying and responding to SEN, and

to safeguarding and behaviour concerns. Alongside non-attendance, these represent the ways in which issues will become visible to schools, specific guidance on those topics frames the action that they take, and the specialist support they seek. The department thinks that this is appropriate and avoids schools becoming responsible for clinical judgements or provision that they are not able to make. In order to illustrate to schools what action they can take the government has issued non-statutory guidance on pupil mental health and wellbeing and practical support products for schools such as our online resource hub and toolkit. These are intended to help schools understand the way statutory duties relate to mental health and wellbeing, along with helping schools to implement an effective approach and processes specifically to promote and support mental health. These resources are also developed with experts and the education sector. DfE considers that the guidance and support products provided for schools on mental health and wellbeing was appropriate and adequate at the time of publication. However, changing societal understanding of mental health and rising prevalence of mental illness among children and young people mean that guidance and resources for schools must be regularly reviewed and updated to reflect latest evidence of best practice. For example, DfE has further support products in development, including to support schools to measure and take action to improve key in-school factors relating to pupil engagement and wellbeing, to be launched in summer 2026.

294. The department's advice has always been that security should be considered alongside safeguarding responsibilities and the legal obligations under the *Health and Safety at Work etc Act 1974* and the *Management of Health and Safety at Work Regulations 1999*.

Improvements

295. DfE have strengthened support for mental health within schools through the MHST programme. In May 2025, the SSE announced that the government will provide access to mental health professionals in every school by 2029/30. There will also be embedded support for children and young people's mental health in new Young Futures Hubs, alongside a wellbeing offer, to ensure there is no 'wrong front door' for people seeking help. Alongside better early support, the NHS 10-year plan sets an ambition to address longstanding issues with access to specialist children and young people's mental health services. The NHS will recruit 8,500 mental health staff focused on reducing long waits for both children and adults.

296. Additionally, updated guidance (Exhibit KD/169 - **DFE000240**) on teaching about mental health, live from September 2026, covers the range and scale of emotions (e.g.

happiness, sadness, anger, fear, surprise, nervousness) that pupils may experience in different situations, and that pupils should understand that worrying and feeling down are normal, affect everyone at different times, and are not in themselves a sign of a mental health condition. It also sets out that secondary schools should consider how to safely address suicide prevention. Many aspects of suicide prevention are addressed through the mental wellbeing curriculum. Starting in primary school, the curriculum includes recognising and talking about emotions, looking after one's own and others' wellbeing, being worried about friendships, other relationships, and judging whether feelings or behaviour require support. Teachers should discuss isolation, loneliness and bullying, and how to cope when things go wrong in life. It is also important to ensure pupils understand how to seek help from a trusted adult, including when they are concerned about another person.

m. Bullying

297. Section 89 of the Education and Inspections Act 2006 provides that local authoirty maintained schools must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents. DfE first published its non-statutory guidance *Preventing and tackling bullying* in 2013, with the current version coming into effect in July 2017 (Exhibit KD/080 – DFE000068). As AR claimed to have been bullied while attending the Range High School, this guidance is potentially relevant to the Inquiry's work.

298. The guidance is designed to support schools in creating safe, disciplined environments where pupils can thrive academically and personally. Developed to assist schools in addressing bullying within the framework of their wider behaviour policies, the guidance sets out the government's overarching approach, outlines schools' legal responsibilities and powers, and highlights the principles underpinning effective anti-bullying strategies. It also signposts additional resources to help school staff access specialist support tailored to the specific challenges they may encounter.

299. The guidance is to be read and applied together with related guidance, most relevantly *Behaviour in Schools* (Exhibit KD/068 - DFE000119), *Suspensions and Permanent Exclusions from maintained schools, academies and pupil referral units in England including pupil movement* (Exhibit KD/140 - DFE000134) and *KCSIE* (Exhibit KD/052 - DFE000056). As set out in DfE's *Behaviour in Schools* guidance 2022 (Exhibit KD/067 - DFE000150) and 2024 (Exhibit KD/068 - DFE000119), schools should

have a behaviour policy in place that promotes good conduct and explicitly addresses all forms of bullying, including cyberbullying and prejudice-based bullying. DfE's previous *Behaviour and Discipline in Schools* guidance 2016 (Exhibit KD/170 - DFE000151) also set out an expectation that schools should develop and implement an effective anti-bullying strategy as part of their written behaviour policy, ensuring that measures are in place to promote good conduct and prevent bullying.

300. The *Preventing and tackling bullying* 2017 guidance (Exhibit KD/080 – DFE000068) states that in cases where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, bullying should be treated as a child protection concern under the Children Act 1989. In such instances, school staff should consult the designated safeguarding lead and report their concerns to the LA children's social care, working collaboratively to ensure appropriate action is taken. External support for pupils can also be provided regardless of whether the incident meets the threshold for a child protection concern. Schools may need to access a range of external services to support victims of bullying or address underlying factors contributing to bullying behaviour. Full guidance is available in Part 1 of *KCSIE* (Exhibit KD/148 - DFE000057).

301. The *Preventing and tackling bullying* 2017 guidance (Exhibit KD/080 – DFE000068) expects schools to ensure that they make appropriate provision for a child's short-term needs, including setting out what actions they are taking when bullying has had a serious impact on a child's ability to learn. DfE published *Respectful School Communities* (Exhibit KD/171 - DFE000069) in 2018, which is a self-review and signposting tool to support schools to develop a whole-school approach which promotes respect and discipline. This can combat bullying and harassment. This tool exists to help schools to identify the various elements that make up a whole school approach, consider gaps in their current practice, and get further support.

302. DfE recognises that schools are best placed to develop anti-bullying strategies tailored to their specific context and needs and supports their flexibility in doing so. While schools are expected to take effective action to prevent and respond to bullying, they are also held to account for their approach through Ofsted inspections, which assess the effectiveness of behaviour and safeguarding practices, including how a school responds to and prevents incidences of bullying. In all cases, schools have a responsibility to support children who are bullied and make appropriate provision for a child's needs. The nature and level of support will depend on the individual circumstances and the level of need. These can include a quiet word from a teacher who knows the pupil well, asking the pastoral team to

provide support, offering formal counselling, engaging with parents, referring to LA children's services, initiating an early help Assessment, or referring to CYPMHS.

303. There is no legal requirement for schools to record and report incidents of bullying. Instead, schools should develop their own approaches for monitoring bullying and exercise their own judgement as to what will work best for their pupils. For some schools, that will mean recording incidents so that they can monitor incident numbers and identify where bullying is recurring between the same pupils. However, some schools may prefer to take a different approach, such as surveying their pupils anonymously to identify bullying trends and gauge how safe pupils feel at school.

Reflections

304. DfE provided over £3 million of funding, between 10 August 2021 and 31 March 2024, to five anti-bullying organisations to support schools to tackle bullying: Anti-Bullying Alliance, Diversity Role Models, Equaliteach, Anne Frank Trust, and The Diana Award. This included projects targeting bullying of particular groups, such as those who are victims of hate related bullying and Homophobic, Biphobic and Transphobic ("HBT") based bullying. Previously, the department provided over £3.5 million of funding between September 2016 and March 2021, to four anti-bullying organisations to support schools to tackle bullying: Anti-Bullying Alliance, Anne Frank Trust, The Diana Award, and Internet Matters. This included projects targeting bullying of particular groups such as those with SEND and victims of hate related bullying, along with a project to report bullying online. The then Government Equalities Office also invested £4 million between 2016 and 2020 to help prevent and respond to HBT bullying across England.

305. The department also monitors young people's perceptions of bullying through the annual *National Behaviour Survey report* (Exhibit KD/172 – **DFE000214**), to develop our understanding of bullying prevalence and trends. Data from the academic year 2023/24 reported that 24% of secondary aged children reported to have been bullied for any reason in the past 12 months, this was consistent with result from the previous academic year 2022/23 where 26% of secondary aged children reported to have been bullied for any reason in the past 12 months.

306. There is no publicly available evidence confirming whether Range High School (AR school 2017-2019), The Acorns School (AR school 2019-2021) or Presfield High School & Specialist College (AR sixth form 2022-2024) directly participated in any of the DfE-funded anti-bullying programmes that took place in recent years. However, the Anne Frank Trust,

in their 2016-2020 programme delivery, did deliver workshops in North West England, including Merseyside and Lancashire, and trained pupils to deliver anti-bullying resources to local primary schools (but specific school names were not listed). The Diana Award 2016-2020 programme did recognise students in Lancashire with anti-bullying awards, though it did not name the schools involved. Equaliteach, in their 2021-2024 programme, delivered training and support to schools in Merseyside, though it did not name specific schools.

Improvements

307. To inform DfE's future approach we have recently sought to strengthen our understanding of the issues around bullying by engaging with a range of stakeholders, including teachers, parents, academics, charities and young people. This engagement highlighted challenges for schools, including ineffective strategies to tackle bullying and inconsistent implementation of policies. DfE also heard about components of effective practice to tackle bullying, including engaging with pupils and parents, adopting a whole-school approach, using data to tailor anti-bullying approaches, and embedding social and emotional learning into school life.

308. This has informed the DfE's next phase of support for schools which seeks to respond to the evidence that complex and prescriptive programmes are hard for schools to sustain at a high quality, so approaches need to embed and test practices and allow flexibility for delivery in different contexts. DfE is launching a procurement for an expert- and evidence-led review into best practice on preventing and tackling bullying. The learning from this best practice review will inform the support to be given in the longer term by up to 90 new RISE Attendance and Behaviour Hubs, which are being established across regions in England to focus on supporting senior leaders to develop safe, supportive school cultures. Following this best practice review and testing, the DfE will review whether there is a need for further support for schools, including whether there is a case for updating the 2017 anti-bullying guidance.

309. The ITTECF sets out the core body of knowledge, skills and behaviours that define great teaching – underpinned by the best available evidence. It is designed to build expertise progressively, from initial training through the early years of teaching. The ITTECF combines and replaces the previous Core Content Framework and Early Career Framework and contains additional content on bullying. The ITTECF sets out a minimum entitlement to training and must be used by providers of initial teacher training and those delivering early career training to create their curricula. These curricula must include

content on bullying, as it is included in the Managing Behaviour (Standard 7 – Manage behaviour effectively) section of the ITTECF. The implementation of training based on the ITTECF will start from 1st September 2025.

n. Information technology

310. KCSIE is a key piece of statutory guidance that sets out the responsibilities of schools and colleges in England to safeguard and promote the welfare of children. Since 2016, *KCSIE* (Exhibit KD/037 - DFE000152) has made clear that schools and colleges should ensure that appropriate filtering and monitoring systems are in place and that their effectiveness is regularly reviewed to limit children's exposure to harmful content while on school-managed computers (paragraph 67 and Annex C).

311. DfE issued non-statutory filtering and monitoring guidance on 2 March 2023 (Exhibit KD/173 - DFE000252), which includes expectations for how schools and colleges should manage access to online content and monitor pupil activity. Additionally, DfE's *KCSIE statutory guidance* (Exhibit KD/052 - DFE000056) has been significantly strengthened with regards to online safety in recent years as outlined in more detail below. In light of the Prevent Review which specified that AR was using internet search terms at school, (including during at least one IT lesson), both documents are potentially relevant to the Inquiry's work.

312. *KCSIE 2020* (Exhibit KD/043 - DFE000135), introduced further guidance to help schools and colleges keep children safe online, and included resources on safe remote education, virtual lessons and live streaming. It also included information on online safety for schools and colleges to share with parents and carers. Additionally, it set out a training requirement for safeguarding leads in schools to be able to recognise the additional risks that children with SEND face online, for example, from online bullying, grooming and radicalisation and to ensure that they are confident they have the capability to support SEND children to stay safe online. Annex A of this guidance also set out for all staff what abuse can look like, including online abuse, this includes:

    312.1. Identifying and preventing radicalisation and extremism - how this should be part of the whole school or college approach to safeguarding.

    312.2. Explanations as to what extremism, radicalisation and terrorism look like, whilst being clear the risks associated with online actives and social media.

    312.3. Details of the Prevent duty and Channel.

312.4. Requirement for designated safeguarding leads to undergo Prevent training.

313. In response to COVID-19 and the move to remote learning, the department provided guidance within Annex C of KCSIE 2020 (Exhibit KD/043 - DFE000135) on safeguarding and remote education to support schools and colleges plan lessons safely. Annex C included:

313.1. Comprehensive information and links to a wealth of information to support schools, colleges and parents/carers to keep children safe online.

313.2. Guidance from the UK Safer Internet Centre as to what appropriate filtering and monitoring systems should look like.

314. KCSIE has always made clear that schools should have an effective child protection policy which should be continually reviewed. This was updated in KCSIE 2020 to reflect the fact that most children will be back at school, following the COVID-19 lockdown, but that some pupils may still receive remote learning.

315. *KCSIE 2021* (Exhibit KD/174 - DFE000136), published on 1 September 2021, incorporated the *UK Council for Internet Safety guidance* for education settings working with children and young people on responding to incidents and safeguarding children where nudes and semi-nudes are shared (Exhibit KD/175 - DFE000071).

316. On 29 March 2023, DfE published the non-statutory F*iltering and monitoring standards* as an update to the existing *Meeting digital and technology standards* on schools and colleges (Exhibit KD/173 - DFE000252). These standards were most recently updated on 10 March 2025 (Exhibit KD/176 - DFE000059) to reflect the evolving technology landscape. They expect schools to:

316.1. Assign role and responsibilities for managing filtering and monitoring systems.

316.2. Review their provision at least annually.

316.3. Ensure filtering systems block harmful and inappropriate content without impeding teaching and learning.

316.4. Implement effective monitoring strategies tailored to their safeguarding needs.

317. The F*iltering and monitoring standards* (Exhibit KD/176 - DFE000059) set out the technical requirements for schools to meet their online safety obligations. These include

senior leadership team responsibility to document decisions on what is blocked or allowed and why, review the effectiveness of provision, and oversee reports.

318. As part of a school's review of filtering and monitoring, the standards set out that schools should understand students' risk profile based on a number of areas. Students with SEND are mentioned as one category that should be considered and any information used to inform approaches to filtering and monitoring.

319. Schools must make sure that their filtering provider is signed up to the Counter-Terrorism Internet Referral Unit blocklists. All school filtering must apply this blocklist and should not be able to disable it. Schools should test their filtering solution regularly to ensure that illegal and inappropriate content is being blocked. They are advised to do this via a test filtering site (Exhibit KD/177 - **DFE000060**) in the DfE's KSCIE and the *Filtering and monitoring standards*.

320. The standards were developed to provide additional detail to support existing statutory duties. Prior to their inclusion in KCSIE, governing bodies and proprietors were already required to ensure that appropriate filtering and monitoring systems were in place. This included ensuring that the appropriateness of these systems was informed, in part, by risk assessments required under the Prevent duty, and that filtering providers were signed up to relevant blocklists.

321. *KCSIE 2023* (Exhibit KD/047 - **DFE000231**) built on earlier versions of *KCSIE* by adding:

    321.1. Information to raise awareness of the existing expectation for relevant staff to understand filtering and monitoring (paragraph 14).

    321.2. Expectations that staff training should include an understanding roles and responsibilities in relation to filtering and monitoring (paragraph 124).

    321.3. A reference to child protection policies and appropriate filtering and monitoring on school devices and school networks (paragraph 138).

    321.4. A new section referencing the newly published F*iltering and monitoring standards* (paragraph 142).

    321.5. A reference to cyber security standards (paragraph 144).

322. *KCSIE 2024* (Exhibit KD/051 - **DFE000019**) was a technical change only iteration and therefore no substantive changes were made. In a technical only change year, changes

are confined to correcting errors or broken links and updating on legislation or guidance changes, which ensures *KCSIE* remains factual. This is standard practice and schools and colleges are very familiar with this delivery model. Instead, DfE undertook a call for evidence (Exhibit KD/178 – DFE000070) to gather views from schools, colleges, and professionals on current safeguarding practices. Its purpose was to inform future updates to *KCSIE* and shape long-term safeguarding policy and guidance.

323. DfE first published non-statutory guidance *Teaching online safety in schools* in 2019 (Exhibit KD/179 - DFE000255). The purpose of the guidance was to help schools understand how they could ensure their pupils understood how to stay safe and behave online. DfE updated the guidance in January 2023 (Exhibit KD/180 - DFE000072).

Record keeping requirements for schools in relation to the internet usage of their pupils

324. In relation to record keeping by schools and colleges, since 2016 *KCSIE* has made clear that all concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing, which would also include online concerns. Information should be kept confidential and stored securely. *KCSIE* makes clear that it is good practice to keep concerns and referrals in a separate child protection file for each child. Records should include:

    324.1. a clear and comprehensive summary of the concern

    324.2. details of how the concern was followed up and resolved, and

    324.3. a note of any action taken, decisions reached and the outcome.

325. The *Filtering and monitoring standards* also include advice for schools and colleges on having effective monitoring strategies in place that meet the safeguarding needs of their school.

Social media

326. *KCSIE* already provides staff with robust information about different types of abuse and harm, including since 2018 on how social media can be used to facilitate harm. All schools and colleges are required to have regard to this guidance when drawing up and implementing their own policies and procedures.

Computing curriculum

327. Online safety has been embedded within the computing curriculum, across all key stages, with progression in content to reflect the different and escalating risks that children and young people may encounter. Through computing, pupils are taught a broad set of principles such as how to use technology safely, responsibly, respectfully and securely, how to keep their personal information private, how to recognise unacceptable behavior, and where they can go for help and support on content or unwanted contact they come across on the internet, or via other online technologies (Exhibit KD/181 - **DFE000073**).

328. To support the teaching of computing, DfE continues to invest in the National Centre for Computing Education ("NCCE"). NCCE support includes resources on topics relevant to online safety, digital literacy and media literacy. For example, there are units available on messaging in digital media, credibility of sources and illegal online content – and a teacher training course on online safety in the primary curriculum.

Relationships, Sex and Health Education Curriculum

329. Prior to RSHE becoming statutory in schools in September 2020, most schools taught non-statutory personal, social, health and economic ("PSHE") education as part of their legal duty to deliver a broad and balanced curriculum, specified in the Education Act 2002. The Children and Social Work Act 2017 provided for regulations to be made for Relationships Education (Primary) and Relationships and Sex Education (RSE - Secondary) in all schools in England. The Act also provided a power to make PSHE, or elements of it, mandatory.

330. DfE published statutory guidance in 2019 with first teaching designated for September 2020 (Exhibit KD/161 - **DFE000074**).This guidance included information on internet safety and harms aimed at teaching for both primary and secondary pupils, as well as guidance on what pupils should know specifically about online relationships and how to identify harmful behaviours online (including bullying, abuse or harassment) and how to report, or find support, if they have been affected by those behaviours.

Educate Against Hate website

331. As highlighted above in paragraph 253, DfE has published comprehensive advice and made a range of resources freely available on the *Educate Against Hate* website, launched in 2016, (Exhibit KD/151 - **DFE000058**) to support teachers in promoting online safety in schools (Exhibit KD/182 - **DFE000153**) and parents in promoting online safety at home (Exhibit KD/183 - **DFE000154**). DfE works with education professionals and civil

society groups to identify and produce high-quality resources to assist teachers to build pupils' critical thinking skills and resilience to extremist ideologies. The website is regularly updated to ensure that it continues to be a live and relevant source of support. As such, the guidance includes third-party resources and tips around privacy settings.

332. Schools are held to account for safeguarding through inspections. Keeping children safe is an important part of Ofsted's work. Any failing by the schools in relation to safeguarding its pupils, including online is considered during Ofsted inspections. Inspectors evaluate the extent to which there is an effective whole-school approach to safeguarding and use inspections to determine how well staff keep pupils safe. Where schools are deemed to be ineffective, improvements would be made through the inspection cycle. Ofsted's current school inspection framework is clear that all schools should have an open and positive culture around safeguarding that puts pupils' interests first. This means they protect pupils from serious harm, both online and offline.

333. In November 2023, 92% of schools and colleges reported that they were regularly reviewing the effectiveness of their filtering and monitoring systems (*Technology in Schools Survey 2023)* (Exhibit KD/184 - DFE000155). As this was the first year the survey collected data on filtering and monitoring, the findings suggest that many schools were already aware of and working to meet the standards.

334. While DfE collects and analyses a wide range of data about children, DfE's efforts are focused on skills, education, childcare and CSC. DfE does not specifically collect data about children's use of online technologies and the impact of using such technologies. Other departments and institutions within government are better placed to provide an overview and comment on these trends, including Ofcom which publishes an annual report on this topic. DfE is, however, aware of the wider trends around children's use of technologies and it is a relevant consideration when policy is being developed.

335. *KCSIE* is clear that all staff in a school or college 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 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.

336. *KCSIE* makes clear that the designated safeguarding lead (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years. The designated safeguarding lead (and any deputies) should also undertake Prevent awareness training. Training should provide designated safeguarding leads with a good understanding of their own role, how to identify, understand and respond to specific needs that can increase the vulnerability of children, as well as specific harms that can put children at risk, and the processes, procedures and responsibilities of other agencies.

337. DfE previously awarded a contract to UK Safer Internet Centre UKSIC/South West Grid for Learning ("SWGfL") to deliver a series of filtering and monitoring training webinars to education professionals in July 2023 to support schools and colleges to meet their duties. A total of 5,375 staff registered for the webinars and the total attendance was 3,545, meaning 66% of those who registered attended. These webinars remain available for educational professionals to watch on the SWGfL website (Exhibit KD/185 - **DFE000075**). We also signpost to the webinars in *KCSIE*.

Reflections

338. As set out in DfE's *KCSIE* guidance (Exhibit KD/053 - **DFE000235**) and Chapter 3, schools are expected to address online safety within their safeguarding policies. This includes ensuring that online safety is a consistent and integrated theme across all relevant policies and procedures. While many schools embed online safety within their broader child protection policies, others choose to adopt standalone online safety policies to reflect the risks and responsibilities associated with digital environments. DfE does not have knowledge of how online safety safeguarding practices were embedded within each of the schools AR attended between 2019 and 2024.

339. While AR's internet activity while at school caused significant concern, it is not clear from the Prevent Review whether the search terms he employed led to inappropriate or harmful content which either bypassed the school's filtering and monitoring system, or demonstrated a gap in its policy. Therefore, DfE cannot draw a conclusion as to the effectiveness of the school's filtering and monitoring system and management in ensuring pupil online safety. However, the department recognises the risks of filtering and monitoring systems failing to block inappropriate and harmful content, due to administrative mismanagement or lack of software suitability. It is an ongoing and active priority to increase software compliance with the filtering and monitoring standards, and to make it easier for schools to identify suitable systems. The department will also look more

closely at the school's role in successfully managing their filtering and monitoring systems when taking forward policy development that supports the ambition for all schools to meet the core digital and technology standards by 2030.

340. Technical systems such as filtering and monitoring, as outlined in Chapter 3, are vital tools for safeguarding pupils from harmful online material. However, it is important to clarify that they do not offer absolute protection. These systems are designed to reduce risk, but they may not detect all harmful content, for example when it is rapidly emerging, encrypted, or disguised within otherwise legitimate platforms. Given the limitations of technology, it is vital that school staff receive regular, up-to-date training on online safety, including how to respond to incidents and report concerns confidently. This training should be embedded within broader safeguarding practices and aligned with *KCSIE* guidance. School staff should also be aware of any emerging risks, including those posed by generative AI and real-time content sharing, and understand their role in maintaining a safe digital environment for pupils.

Improvements

341. To support schools and colleges in meeting the department's digital and technology standards, DfE launched the *Plan Technology for Your School* self-assessment service in September 2024 (Exhibit KD/186 - **DFE000089**). The service helps schools evaluate their current technology setup, prioritise tailored recommendations, and take practical steps to meet the standards. It also collects data to identify areas where schools may be struggling, which informs service improvements and may support future policy development. Filtering and monitoring was added to the service in January 2025, further strengthening its role in helping schools understand and meet their statutory safeguarding obligations. This complements the government's broader commitment to improving the quality of filtering and monitoring provision, supported by clear standards that guide schools on what should be in place to ensure online safety.

342. DfE has set out *11 digital and technology standards* (Exhibit KD/176 - **DFE000059**) to help schools and colleges ensure that their digital infrastructure is safe, effective, and fit for purpose. These standards were first published in March 2022 and updated in March 2025. DfE has set an ambition for all schools and colleges to meet a core six set of standards by 2030 and are helping all schools to achieve this outcome. These six standards include network switches, wireless networks, broadband internet, filtering and monitoring, cybersecurity, and digital leadership and governance.

343. DfE is committed to working across government and with stakeholders outside government to better understand the impact of technology on children and young people. DfE's areas of interest include, as part of the government's Opportunity Mission, understanding the impacts of social media and screen time, and ensuring healthy technology use. It also explores how to harness technological advances for productivity and informed decision-making while maintaining safety, addressing the long-term opportunities and challenges of AI, and supporting learners with special educational needs.

344. Russell Viner (DfE's Chief Scientific Advisor) has been supporting the Department for Science, Innovation and Technology to commission a feasibility study on data and methods to understand the impact of social media and smartphones on children. The study began on 2 December 2024 and ran until May 2025. The main objective of the study was to ascertain which methods would be most effective in determining the causal effects of social media and smartphones on the developmental outcomes of children (aged 3 to 21 years) over the next two to three years. The outputs from the project are expected to be published shortly.

345. On 15 July 2025, DfE published the revised statutory guidance on RSHE (Exhibit KD/161 - **DFE000074**). Alongside this DfE published the consultation response for the consultation which informed this guidance. The new guidance has the wellbeing of children at its heart and is informed by the consultation which ended last year, alongside the relevant evidence. The updated RSHE guidance seeks to provide a practical framework that enables schools to teach RSHE in a way that is preventative and protective. The guidance is clear that in secondary, pupils should learn about the serious risks of viewing online content that promotes violence, including how to safely report this material and how to access support after viewing it. The guidance also strengthens content on healthy relationships, and on mental health, with updated content to reflect some of the biggest challenges facing young people today, including online misogyny.

346. The government has established an independent Curriculum and Assessment Review, to ensure children and young people leave compulsory education with the knowledge, skills and attributes they need to thrive, including digital skills. In its interim report, the Review noted the importance of the curriculum keeping pace with the rise of AI and trends in digital information, including a renewed focus on digital and media literacy and critical thinking skills. The Curriculum Review's final report and recommendations will be published in autumn, at which point the government will respond and develop any changes to the

curriculum needed.

347. DfE also engages with OGDs, providers and key stakeholders to stay informed about emerging challenges and threats; both technical and societal. We will continue to keep *KCSIE*, the digital and technology standards, and the *Plan Technology For Your School* service up to date. Further measures are also being developed to ensure that filtering and monitoring in schools remains effective and responsive to evolving risks.

348. The government has also committed to implementing all remaining recommendations in their separate standalone report on child sexual exploitation by organised networks (published 2022) (Exhibit KD/187 - **DFE000173**). This includes updating DfE guidance on child sexual exploitation.

o. Risk assessments of pupils and security measures for classes

349. The *School and College Security Guidance* (2019, 2024) (Exhibits KD/059 - **DFE000160** and KD/061 - **DFE000156**) encourages schools to identify the type, frequency and probability of risks and put in place mitigations. Schools should also be aware of the indicators which may signal that students are at risk from, or are involved with, serious violent crime. All staff should be aware of the associated risks and understand the measures in place to manage these. As AR re-entered the Range High School following his permanent exclusion and attacked a pupil with a hockey stick (as well as being in possession of a knife at the time), this guidance is likely relevant to the Inquiry.

350. The *School and College Security Guidance* (2019, 2024) (Exhibits KD/059 - **DFE000160** and KD/061 - **DFE000156**) explains it is important for schools and colleges to have a security policy and plan in place to manage and respond to security related incidents. This policy should reflect the balance between maintaining an open and welcoming environment for learners, parents and the wider community and protecting them from harm; help create a culture in which staff and students recognise and understand the need to be more vigilant about their own and the safety and security of others; and demonstrate an understanding of the issues that could impact on the school or college and wider community. A school/college's security policy should also complement their safeguarding policy, particularly where it puts in place measures to protect students and address the threat of serious violence. It should form part of the school's suite of policies to ensure the health, safety and well-being of students and staff. Schools should consider and routinely review their security arrangements, policies and plans. They should also consider conducting frequent drills i.e. lockdown drills or

evacuation so that both staff and pupils have an understanding of processes and plans. The guidance includes the following paragraph which may be of particular relevance to the Inquiry:

> *"Not all security incidents are triggered by external factors. In determining the likelihood of a security risk materialising from within your school or college, for example an argument getting out of hand in a classroom, you should consider putting in place preventative measures which will help to avoid the risk of negative behaviour quickly and unexpectedly escalating to a more serious incident"*

351. *The School and College Security Guidance* (2019, 2024) (Exhibits KD/059 - DFE000160 and KD/061 - DFE000156) provides guidance on ensuring that plans and supporting procedures are based on a realistic assessment of the threats relevant to a specific school or college; demonstrate that there is a shared and common understanding about how to respond to identified threats; be very clear about what is expected from the staff, students and the local community should an incident occur; draw on experience and expertise provided by the relevant LA, academy trust, police and others, such as local resilience forums. Staff and students should be familiar with the requirements of the school's security policy and plan. Senior staff should also be aware of relevant security networks and able to assess the impact of new initiatives on the policy and its implementation.

352. *The School and College Security Guidance* (2019, 2024) (Exhibits KD/059 - DFE000160 and KD/061 - DFE000156) outlines the responsibility of schools to ensure that security risks are considered alongside safeguarding responsibilities and relevant legal obligations imposed upon them under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999.

353. *The School and College Security Guidance* (2019, 2024) (Exhibits KD/059 - DFE000160 and KD/061 - DFE000156) also encourages schools to have a 'competent' person or persons to lead in both health and safety and security. One individual may lead in both areas, with this role sitting alongside the designated safeguarding lead. Competent persons are required to have subject knowledge, be trained in handling risk, and have the experience to apply that subject knowledge correctly. They should put in place a security policy that identifies the likelihood of a security-related incident occurring, assesses the level of impact, and develops plans and procedures to manage and respond to any threats. The competent person will also need to ensure that

business continuity plans are in place to enable staff and students to react appropriately and promptly in the event of a serious incident.

354. DfE provides templates and checklists (Exhibits KD/188 - DFE000157, KD/189 - DFE000158, KD/190 - DFE000159 and KD/059 - DFE000160) to assist schools with risk assessment and emergency planning (amongst a wide range of other topics). These resources are supplementary to the school security guidance and are available on GOV.UK.

355. DfE's non-statutory *Potential Security Threats and Preventable Measures* guidance (2019 and 2024) (Exhibits KD/191 - DFE000162 and KD/192 - DFE000161) provides a non-exhaustive list of potential threats for schools to consider, together with possible mitigations. The examples of potential risks include trespass and threats from former pupils/residents, terrorist attack, physical attack, intimidation and bullying. Potential mitigations suggested by the guidance include:

355.1. CCTV to monitor and record activity within and around the estate

355.2. integrated access control systems to control, monitor and deny access when necessary

355.3. intrusion detection systems, for example effective perimeter fencing to protect against intruders, security lighting and security glazing, intruder alarm systems

355.4. effective screening of staff, students and visitors to schools and colleges for prohibited items

355.5. banning individuals who pose a threat to staff and pupils

355.6. effective reporting and follow up of incidents and involving police if necessary.

356. DfE's non-statutory *Health and safety: responsibilities and duties for schools* 2022 guidance (Exhibit KD/058 - DFE000163) sets out that all schools should have plans in place to manage and respond to security-related incidents, including procedures for controlling access and barring individuals from the premises. These measures may be incorporated into a dedicated school security plan or addressed within other relevant policies. This was also included in the 2019 version of this guidance (Exhibit KD/056 - DFE000164).

357. The department also provides guidance for schools on external security in the *Good Estates Management for Schools* (2018 and 2025) (Exhibits KD/193 - **DFE000166** and KD/194 - **DFE000165**) which includes sections on perimeters, access and site security.

358. The department's *school building standards* (2023) (Exhibit KD/195 - **DFE000167**) require that a security risk assessment is completed for all new DfE funded schools, and that the findings of this assessment are incorporated into the building design to mitigate any identified risks and ensure schools are safe, secure and sustainable.

Trespassing on school grounds

359. It is a criminal offence (contrary to section 547 of the Education Act 1996) to enter school premises without express or implied permission and cause or permit a nuisance or disturbance. If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer, or a person authorised by the appropriate authority such as the governing board.

360. DfE's non-statutory *Controlling access to school premises* guidance (2018) (Exhibit KD/196 - **DFE000168**) sets out that schools are private property, and individuals do not have an automatic right to enter. Anyone breaching school rules may be considered trespassing.

Preventing Violence

361. Working closely with other departments, in particular the HO and MOJ, DfE contributes to cross-government policy on early intervention to prevent violence, with a focus on the role, responsibilities and practice of education settings. Education settings' strategies to prevent violence, from early prevention onwards, are informed by a range of guidance [as referenced previously in this statement], including *KCSIE*, *Working Together to Safeguard Children*, and *Behaviour in Schools*. The Ofsted framework, supporting toolkit and inspection regime underpins guidance implementation.

362. In aiming to improve practice, the department's violence prevention policy activity has focused on working with partners to build and share the education system's 'what works' evidence base on effective violence prevention. Current policy activity spans universal interventions in schools (for example, new RHSE guidance content on preventing children from being drawn into violence), alongside activity to improve awareness and application of what works, increasing the use of evidence-based targeted prevention interventions in

schools (for example, through funding schools-based violence prevention pilot programmes).

363. Central to these efforts is the work of the Youth Endowment Fund ("YEF"), which was established in 2019 with a £200 million government endowment, and a mandate to build evidenced approaches and practice across sectors (including education). YEF has developed a toolkit, which is a resource that summarises and rates the impact and evidence behind different approaches to violence prevention for children and young people, to reduce the risk of them becoming involved in violence. This helps commissioners and policy makers decide on the most appropriate and impactful approaches to prevention work across different education phases. The YEF has also published Education Practice Guidance (May 2024) to help the sector understand this evidence. In July 2025 it launched a free, digital self-assessment tool designed for education leaders, to help them understand how well their current practice aligns with 'what works' evidence.

364. YEF are independent of government and would be best placed to provide detailed information on their evidence base and the tools and advice that they provide sectors, including education. DfE's summary view is that while there is considerable research and evidence across intervention stages (primary, secondary and tertiary), it is unclear the degree to which existing approaches and evidence are applicable in relation to violence fixated individuals.

Visibility and effective application of DfE's policies and guidance

365. DfE expects schools to follow departmental school security guidance, appoint a suitably qualified person or persons to have oversight of their school's security, and work in close partnership with the police, LA and others in the wider community, including local resilience forums (where available) to gather and share the security related information required to keep them safe.

366. All guidance is published on GOV.UK. A set of templates to support schools in planning for security events are also published on GOV.UK (KD/190 – **DFE000159**). This includes a risk assessment template to help schools produce risk assessments.

Training provided by DfE

367. The department regularly interacts with the sector through webinars, counter-terrorism police/LA conferences where DfE is able to directly engage with settings, particularly

headteachers, to test the need for additional resources and the use of existing ones to see how best DfE can support the sector.

Reflections

368. Prior to the publication of the *School and college security guidance*, a consultation took place between November 2018 and February 2019 in which schools and colleges and other stakeholders were invited to contribute their views on the content of the guidance. This was preceded by comprehensive stakeholder engagement and followed by targeted discussions with FE colleges, the HO and the police.

369. The guidance encourages staff and, where appropriate, students to take personal responsibility for both their own security and the security of those they work and learn alongside. This, along with the effective management and handling of security related matters, should help to ensure that staff and students are able to work and be taught in a safe and secure environment, including the online environment.

370. The department expects staff and students to be familiar with what is required by the school's security policy and plan. Senior staff should have an awareness of relevant security networks and be able to evaluate and assess the impact of any new initiatives on your security policy and its day-to-day operation.

371. It is for schools and colleges to decide what should go in a risk assessment, but it should determine the type, frequency and probability of an incident or event happening and then put in place measures either to eliminate or reduce the risk of it occurring. It is important that schools and colleges work with local partners when considering security policies and plans. The benefits include having access to local (police) intelligence and expertise and, in the event of a major incident, immediate support.

372. The DfE provides templates and checklists to assist schools with risk assessment and emergency planning (amongst a wider range of other topics). This includes protecting all education settings through counter-terrorism measures and preparing settings to manage the response to mitigate the impact of a terrorist attack, in line with the government's Counter Terrorism CONTEST strategy. *The Protective Security and Preparedness* guidance (Exhibit KD/197 - **DFE000174**), *ACT for Youth* (Exhibit KD/198 - **DFE000175**) and *ACT for education e-learning* (Exhibit KD/199 - **DFE000176**) were published in April 2024 to provide this support. The guidance was last updated in April 2025, supporting staff to keep children safe across the education sector by identifying

security vulnerabilities, recognising suspicious activity, and responding effectively to incidents. The guidance advises settings to conduct thorough assessments of any vulnerabilities, taking into account factors such as location, building layout and types of activities. The resources were considered appropriate and adequate at the time of publication, and we worked in collaboration with the National Counter Terrorism Security Office (Exhibit KD/200 - DFE000177) to develop these resources.

373. It is unclear whether the affected settings were aware of these resources or had protective security plans in place to prevent or respond to an incident. We implemented an effective communications plan to support resource publication; this has allowed us to gain traction across the sector. This remains ongoing as DfE continues to raise awareness of current and new resources to promote good security practice across the sector.

Improvements

374. The Terrorism (Protection of Premises) Act 2025 (known as Martyn's Law) came into force on 3 April 2025. The Act places specific obligations on certain premises, including schools, making it mandatory to have appropriate procedures in place such as evacuation (to get people out of the building), invacuation (moving people to a safe place), lockdown (to secure the premises against attackers) and communication. The Security Industry Authority is responsible for enforcing compliance.

375. In April 2025, DfE published detailed guidance "*Protective security and preparedness guidance for all education settings*" (Exhibit KD/197 - DFE000174) to assist educational settings prepare for and respond to terrorism and other major threats. It contains links to resources, examples, a case study and a number of templates.

p. Handover of information upon moving schools

376. When a pupil moves schools there is a statutory duty placed on local authority maintained schools to transfer data relating to that pupil to the new school. This duty is set out in the Education (Pupil Information) (England) Regulations 2005 (and subsequent amendments in 2008, 2016, 2018 and 2019). The details of the information to be transferred are set out in Schedule 2 to the Regulations and technical recommendations for transferring the information are given in the Common Transfer File ("CTF") specification. The data must be transferred within 15 school days of the pupil ceasing to be registered. The statutory *Key stage 2 assessment and reporting arrangements guidance* describes the requirement to share data, explaining that headteachers of local authority maintained schools must

ensure the statutory requirements for the transfer of records between schools are fulfilled, including the completion of the CTF (Exhibits KD/201 - **DFE000041** and KD/202 - **DFE000169**).

377. Where a pupil has been permanently excluded from school, the excluding school can (and must) delete their name from the admission register once the review process has been completed and the permanent exclusion has been upheld. Once the pupil's name has been deleted from the admission register and the pupil has been registered at a new school the CTF should be transferred within 15 school days of the pupil ceasing to be registered at the school. There is not a statutory requirement for excluding schools to share the reason for the permanent exclusion with the receiving school when a pupil moves on to another setting unless the school is maintained by a LA and the information forms part of an 'educational record' within the meaning of the 2005 Regulations. The statutory exclusion guidance encourages schools to work collaboratively and transparently, especially during pupil transition, and it is considered good practice to share all relevant information with the receiving school, this should be done carefully and proportionately. The purpose of sharing exclusion information is not to prejudice the pupil's experience in their new setting, but to ensure that appropriate support and safeguards are in place. It is important that this process does not circumvent fair admissions or reintegration procedures, and that receiving schools are encouraged to make decisions based on current needs and potential, not solely past behaviour.

378. In cases in which the exporting school does not know the school a pupil will move to they are still expected to load a CTF onto an area which can be searched by LAs on behalf of schools who admit pupils but do not receive the CTF. Academies are not subject to this requirement but are expected to adhere to the following protocols as a matter of good practice.

379. In addition to the statutory requirements for transferring pupil records, it is essential that information relating to a child's SEN is shared promptly and comprehensively. Regulation 50 of the Special Educational Needs and Disability Regulations 2014 reflects this expectation: it lists one of the potential functions of a SENCO in a mainstream school as being that when a pupil transfers to another school or educational institution, the SENCO must ensure that all relevant information about the pupil's SEN and the special educational provision made is conveyed to the new setting. The timely transfer of such information plays a key role in meeting the SEN of those moving to a new setting from the outset,

which in turn may have implications for attendance, behaviour, or vulnerability to safeguarding risks.

380. Similarly, paragraph 79 of *KCSIE 2018* guidance (Exhibit KD/039 - **DFE000225**) sets out that in instances where children leave a school or college, the designated safeguarding lead should ensure that their child protection file is transferred to the new school or college as soon as possible. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should also ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in colleges, are aware as required. This was strengthened again in *KCSIE 2021* (Exhibit KD/174 - **DFE000136**), in Annex C, to confirm that this should happen within 5 days for an in-year transfer or within the first 5 days of the start of a new term. From *KCSIE 2018* onwards, it also advised designated safeguarding leads, in addition to sharing the child protection file, to consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. This would include information that would allow the new school or college to continue supporting children who are currently receiving support through the Channel programme (part of the Prevent strategy). Additionally, the *HO Channel duty guidance 2023* (Exhibit KD/147 - **DFE000143**) encourages panels to share information regarding Channel cases between settings, stating that:

> *"when a participant is involved in education and then changes education setting, the new education setting is invited to join the panel and contribute to the support"*.

381. These requirements are critical to ensuring continuity of support and protection for children, particularly those who move between multiple educational settings, as was the case with AR.

382. These requirements and expectations are in place whether a pupil moves schools at a normal transition point or at another time.

Reflections

383. Schools and colleges and their staff are an important part of the wider safeguarding system for children. 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. *KCSIE* already includes information on the

importance of sharing data in a number of situations, including when a pupil transfers schools, but through our public consultation we will review these sections to see if any clarification is needed in relation to sharing information about the pupils themselves or the risks they may pose to other pupils & adults.

Improvements

384. Since 2016, the importance of recording, holding, using and sharing information effectively has been set out in Parts 1, 2 and Annex B of *KCSIE*. Information sharing was particularly strengthened in *KCSIE 2018*, where a separate section was added in on information sharing in paragraphs 72-80. When a new part five was added to *KCSIE* in 2021, (Exhibit KD/174 - **DFE000136**) it was reflected there as well. From *KCSIE 2021* onwards, the role of the designated safeguarding lead was set out in Annex C (this replaced earlier versions of Annex B).

385. Since 2016, *KCSIE* has also signposted to further information on information sharing in Chapter one of *Working together to safeguard children 2023* (Exhibit KD/011 - **DFE000106**), and to the DfE non statutory *Information Sharing - Advice for practitioners providing safeguarding services for children, young people, parents and carers* guidance (Exhibit KD/085 – **DFE000111**).

386. As detailed in chapter 3, measures in the Children's Wellbeing and Schools also aim to improve multi-agency information sharing.

Chapter 4 – Out of school settings

387. This chapter provides an overview of key policies and/or guidance issued by DfE concerning the operation of out of school clubs/activities, together with an overview of the obligations on out of school settings relating to risk assessments, adult-child rations, safety (including emergency planning and exits) and security measures.

388. DfE is the central government department with policy responsibility for safeguarding in out of school settings ("OOSS"). OGDs also have relevant responsibilities:

    388.1. The Department for Culture, Media and Sport has overarching responsibility for several sectors that relate to OOSS safeguarding in the area of sport, arts and heritage, non-statutory youth services and charities.

    388.2. The Ministry for Housing Communities and Local Government has policy responsibility for engagement with faith communities, including in relation to safeguarding in places of worship and by religious institutions.

Overview and definition of OOSS

389. The OOSS sector is a large, broad and diverse sector which is unregulated under education and childcare law. The sector covers a wide range of settings, which DfE currently defines in the *Unregistered independent schools and out-of-school settings: guidance for local authorities* (Exhibit KD/203 - **DFE000078**) as:

    "organisations (both commercial and charitable) or individuals that provide tuition, training, instruction or activities to children in England without their parents' or carers' supervision, but are not:

    - *Schools*
    - *Colleges*
    - *16 to19 academies*
    - *registered education settings providing AP*
    - *providers caring for children that are registered with Ofsted or a childminder agency."*

390. The definition of OOSS covers a wide range of settings such as tuition centres, private tutors, extra-curricular clubs or settings (e.g. dance classes, sports tuition, music lessons), uniformed youth organisations (e.g. Scouts), supplementary schools, private language schools, and religious settings offering education in their own faith.

391. All OOSS providers are subject to a range of legal duties, including common law and statutory duties under health and safety legislation to ensure the safety of children that attend their setting and to protect them from harm. As set out in more detail below, DfE has published non-statutory guidance for OOSS providers to support them to meet their legal duties and provide enriching activities in a safe environment. DfE has also published guidance for parents and carers (to help them make informed choices when selecting activities in OOSS for their children, as well as for LAs).

Key DfE guidance

392. DfE first published its non-statutory guidance *Out-of-school settings: Safeguarding guidance for providers* ("OOSS guidance") in October 2020. The guidance was updated in September 2023 (Exhibit KD/204 – **DFE000254**) and again in May 2025 (Exhibit KD/205 - **DFE000080**). This guidance is aimed at helping OOSS providers to run safe settings and ensure the welfare of the children attending them. It sets out the policies and procedures DfE would expect all OOSS to have in place to meet their legal duty of care; and makes clear any legal requirements that OOSS may need to meet, for example in relation to the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

393. The OOSS guidance contains sections on: Safeguarding and child protection; Suitability of staff and volunteers; Health and Safety; Governance; and other considerations that OOSS may need to have regard to; together with links to other useful resources.

394. As part of the Health and Safety section, the guidance explains that OOSS have a legal duty of care to ensure the environment is safe for people who visit or attend the setting; and that this duty applies irrespective of the venue in which the setting operates. The guidance indicates that providers should, as a minimum:

    394.1. annually review and update their risk assessments and advises that these assessments may need to be updated more often if circumstances or public health advice changes

394.2. have active arrangements in place to monitor whether the controls for managing risks are effective and working

394.3. have an emergency plan in place so that staff are able to respond effectively to an emergency at the setting; and links to the guidance titled *Emergency planning and response for education, childcare, and children's social care settings* (Exhibit KD/206 - DFE000170) which sets out the expectations surrounding this, including what incidents the plan should cover and what should be included.

395. The guidance also explains that providers must have a fire safety and evacuation plan in place (in line with Article 14 Regulatory Reform (Fire Safety) Order 2005).

396. The OOSS guidance does not identify each of the specific factors which OOSS providers should consider when conducting risk assessments, and indeed the range of relevant factors is likely to be wide and variable.

397. Ratios for adults to children are not included in the DfE guidance as it is heavily dependent on the OOSS – depending on the nature of the provision or activity being provided, the ratio would differ.

398. The guidance contains several case studies, developed with sector representatives and safeguarding partners, setting out example scenarios for how OOSS providers should respond to particular issues, or how they might approach the implementation of specific policies in the OOSS guidance. These are set out throughout the OOSS guidance, and include a specific scenario on the creation of a health and safety policy, which demonstrates how a risk assessment should form part of this process.

399. The OOSS guidance also signposts useful tools and resources for OOSS providers to help aid understanding and support them with implementation of specific aspects of safeguarding policies and procedures, for example the Health and Safety Executive's guidance *Managing risks and risk assessment at work* (Exhibit KD/207 - DFE000079).

400. The OOSS guidance for providers, parents, and LAs, as well as the e-learning (detailed below) is regularly kept under review and routinely updated, as required, to reflect any legal changes.

401. In addition to the above, the OOSS guidance explains that all providers must comply with relevant legal obligations and recommends seeking independent legal advice in case of uncertainty.

402. The OOSS guidance also refers to other relevant guidance, including:

402.1. *Working Together to Safeguard Children 2023* (Exhibit KD/011 - **DFE000106**), which indicates that every voluntary, community and social enterprise ("VCSE"), faith-based organisation and private sector organisation or agency – which would cover the majority of OOSS – should have policies in place to safeguard and protect children from harm; and that they should be aware of how to work together with the safeguarding partners in a local area to safeguard and promote the welfare of local children, including identifying and responding to their needs. This guidance also advises local safeguarding partnerships to consider the value of including VCSEs in their local arrangements, regardless of whether they are named in the 2018 Regulations, where they can play an important role in identifying concerns and providing direct support to children.

402.2. *Regulated Activity with children in England and Wales* (Exhibit KD/208 – **DFE000253**), which outlines the specific activities, establishments and positions that are eligible for an Enhanced Disclosure and Barring Service ("DBS") check with a Children's Barred List check. The vast majority of OOSS (to the extent that those settings would be engaged in activities with children on more than 3 days in a 30-day period, or once overnight between 2am and 6am with the opportunity for face- to-face contact with children) are likely to fall under the first category of specified activity described at paragraph 2.1 and they must therefore consider the DfE *Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised* (Exhibit KD/209 - **DFE000076**).

403. Alongside the OOSS guidance for OOSS providers, DfE has also published dedicated guidance on safeguarding in OOSS for parents and carers: *Using after-school clubs, tuition and community activities* (Exhibit KD/210 – **DFE000077**). This guidance is intended to help parents to make informed choices when selecting OOSS for their children. It explains to parents what providers should be doing to ensure the safety of children attending their setting, including the policies and procedures OOSS should have in place, key things parents should look out for and questions to ask, warning signs, and how to raise concerns about the safeguarding.

404. As explained above, LAs are legally responsible for the safeguarding and welfare of all children in their area, including children attending OOSS. DfE has recently published dedicated guidance on safeguarding in OOSS to help LAs to identify and intervene in

OOSS of concern, as well as dealing with unregistered independent schools. The guidance *Unregistered independent schools and out-of-school settings: guidance for local authorities* (Exhibit KD/203 - **DFE000078**), published on 29 May 2025 sets out LAs duties and responsibilities as specifically relevant to the safeguarding of children in OOSS, as well as the proactive steps they can take to enhance safeguarding in these settings and how LAs can support providers to develop good safeguarding practices (the production of this guidance was in train before, and is unrelated to, the attack in July 2024). This includes:

404.1. Making good safeguarding practices a condition of any lease or hire agreement of LA premises;

404.2. Sharing DfE guidance and e-learning on keeping children safe in OOSS;

404.3. Arranging, or telling settings about, safeguarding training courses;

404.4. Encouraging settings to register with voluntary accreditation schemes, such as Ofsted's voluntary childcare register;

404.5. Creating or helping to build networks of OOSS, which can share best practice;

404.6. Supporting settings to apply for DBS checks and other relevant checks;

404.7. Establishing a point of support that providers can contact for safeguarding advice, or expanding an existing one.

404.8. Sharing DfE's guidance for parents with families to support them to access safe OOSS.

404.9. Naming relevant agencies or including OOSS in their local safeguarding arrangements.

404.10. In addition, it sets out guidance and advice on how LAs can identify and deal with settings of concern; and specifically includes a section ('Your duties and powers') setting out relevant legislation, to help ensure LAs are utilising the full range of LA and multi-agency powers available to them to take action where safeguarding concerns are identified or raised.

<u>Supporting implementation and understanding of the guidance for OOSS providers</u>

405. In order to support providers to understand and implement the OOSS guidance, DfE has developed case studies with sector representatives and safeguarding partners setting out example scenarios for how OOSS providers should respond to particular issues, or how they might approach the implementation of specific policies in the OOSS guidance. These are distributed at various intervals throughout the guidance for providers. This includes a specific scenario on the creation of a health and safety policy, which showcases how a risk assessment should form part of this process. The OOSS guidance also signposts to useful tools and resources for OOSS providers to help aid understanding and support them with implementation of specific aspects of safeguarding policies and procedures. For example, the Health and Safety Executive's guidance for Managing risks and risk assessment at work as well as sector specific guidance, e.g. on sports, tuition, youth services.

406. DfE has also made clear in its guidance for OOSS providers that there is the expectation that all providers must review, and comply with, what the law says as outlined in the guidance. It goes on to say that depending on the provision offered, certain pieces of legislation may or may not apply and it is the provider's responsibility to decide and understand which legislation applies. If providers are unsure, it is recommended they seek legal advice.

407. The guidance also states clearly the legal duty of care that applies to all OOSS. There can be serious legal consequences for OOSS in the event of them breaching their duty to protect children from the risk of foreseeable harm, under the law of negligence. This can range from civil liability – such as financial compensation for a child's physical and psychological injury, to criminal sanctions, including imprisonment, in cases of extreme failure to protect a child (under specific criminal legislation).

408. DfE has also developed free-to-access e-learning for OOSS providers to complement and increase understanding of the guidance, which is intended to provide an introduction to the topic of safeguarding for providers, staff and volunteers. This consists of 6 modules, with a test at the end to check understanding, and a digital certificate on completion. This was published in May 2025 and is the only training DfE offers for OOSS providers.

DfE steps to promote the guidance / raise OOSS awareness

409. The *Out-of-school settings: Safeguarding guidance for providers* (Exhibit KD/205 - **DFE000080**) was developed by the department and reviewed by the DfE's OOSS Stakeholder Steering Group. The group comprises safeguarding organisations, sector

representatives and umbrella bodies with a range of expertise and sector understanding, including the NSPCC, the National Youth Agency, Sport England, The Tutors Association, Girlguiding UK, the Out of School Alliance, the Church of England and the National Resource Centre for Supplementary Education.

410. The original version of the guidance was published in October 2020, alongside leaflets and posters for display within settings, as well as accompanying guidance for parents and carers, seeking to raise awareness of how to choose safer settings for children, and how to raise safeguarding concerns. The parents' and carers' guidance was published in eight additional languages to promote awareness.

411. The guidance and leaflets were promoted through a funded departmental Communications campaign across social media, across government departments with policy overlap with OOSS, and through LAs, as well as being extensively promoted by steering group members through their own networks. These promotional materials have been updated each time there has been a full update to the guidance, with the last time being in September 2023.

412. The scale, diversity and unregulated nature of the OOSS sector mean that clear communication routes into settings do not exist in the same way as they do for schools, and other parts of the regulated education and childcare sector. DfE has utilised all channels of communication available to help ensure messaging reaches the intended audiences.

Additional activity by the department to strengthen safeguarding in OOSS

413. DfE has considered how best to strengthen safeguarding in this sector. Between 2015 and 2016, the department consulted on a proposed system of mandatory regulation for the sector.

414. DfE launched a call for evidence (Exhibit KD/211 - **DFE000081**) to learn more about the scope and impact of introducing a new system of registration and risk-based inspection. Whilst there was broad support for enabling further action in response to concerns, it was also clear that any approach should not undermine the valuable contributions from most settings – either through unnecessary regulatory burdens or limiting the choices of parents and carers on how to educate their children. In 2018 DfE published the response (Exhibit KD/212 - **DFE000082**) to this call for evidence confirming the intention not to proceed with the proposed model of regulation. This was

based on an effort to avoid the risk of closures of settings as a result of regulatory burden, as well as a desire to retain parental choice in the education of their children. Instead, DfE announced a package of activity aimed at enhancing local capacity to identify and tackle settings of concern. This included the development of a voluntary code of practice for OOSS providers (published in October 2020), which has since been updated and replaced by the OOSS safeguarding guidance for providers, referenced at paragraph 392; and guidance for parents, referenced at paragraph 403.

415. In addition to this, DfE provided over £3 million of targeted funding for selected areas to support multi-agency working between LAs and relevant agencies, through multi-agency pilots, which ran between 2018 to 2021. DfE funded 16 LAs to test different models of multi-agency working, with a view to demonstrating how existing legal powers – held across LAs, and relevant agencies – can best be used, together with community engagement and outreach, to identify and enhance safeguarding practices in settings, and to intervene where there are concerns. An independent report evaluating the findings was published in November 2022; *Oversight of out-of-school settings: lessons learnt from the DfE funded pilot* (Exhibit KD/213 - **DFE000083**).

416. In response to this report, the DfE committed to work with key safeguarding partners, sector representatives, and parents on the development of proposals for further enhancing safety of these settings, alongside commitments to update and strengthen existing guidance for providers, parents, and LAs, and develop e-learning (already referred to earlier in this chapter). In May 2025, DfE published a call for evidence (Exhibit KD/214 - **DFE000084**) to explore how settings currently manage safeguarding, what challenges they face, and what further support or reforms might help improve safety and give parents greater confidence. In order to increase the robustness of the evidence base, the deadline for responses has been extended from 21 August 2025 to the 21 September 2025.

<u>Adequacy of DfE action to support provider awareness and implementation of guidance</u>

417. The scale, diversity and unregulated nature of the OOSS sector mean that clear communication routes into settings do not exist in the same way as they do for schools, and other parts of the regulated education and childcare sector.

418. However, DfE has developed the OOSS guidance and accompanying, free-to-access e-learning to increase accessibility. Both products include case studies and links to external resources to facilitate ease of understanding and support implementation, such as information on fire and risk assessments.

419. To promote awareness of the guidance, DfE has utilised all channels of communication available to help ensure messaging reaches the intended audiences.

OOSS Reflections

420. As set out in Chapter 4, DfE is clear that consideration of safeguarding is vital in OOSS provision. In considering the need to apply any reforms to safeguarding in OOSS, however, DfE is mindful of the need to strike a careful balance between safeguarding children and preserving the accessibility and diversity of provision. Overregulation risks reducing the number of OOSS providers, particularly small community groups and volunteer-led initiatives, which could negatively impact children and young people. Our approach is rooted in fostering safe environments without creating barriers to participation or inadvertently limiting access to enriching activities.

421. As noted in paragraph 414, DfE has previously explored regulating OOSS. However, it is important to recognise that regulation alone cannot guarantee the prevention of harm. In this case, it is not clear that regulation – or registration of the setting, as part of any local or centrally-held register (had such a system existed) – would have prevented the incident.

422. Looking ahead, the sector's scale, diversity, and complexity make it challenging to identify and develop any long-term solutions for further strengthening safeguarding. While regulation remains a potential avenue, the 2015 consultation on a proposed registration and inspection model surfaced several key challenges:

422.1. Enforcement feasibility: ensuring compliance across a wide-ranging sector is difficult. Respondents expressed concerns that regulation may not reach the highest-risk settings, which are least likely to engage. There is also a risk of pushing such settings further underground, making them harder to identify and therefore monitor.

422.2. Legally defining OOSS and determining scope: the sector spans individuals to large organisations, offering varied provision (e.g. sports, arts, religion, education tuition etc), across numerous types of venues. Establishing a legal definition and deciding which settings fall under regulation is complex.

422.3. Setting registration thresholds: whether based on time (e.g. hours of operation), or number of children, thresholds pose risks. Respondents noted that providers might deliberately seek to operate below thresholds to avoid regulation, and that the nature of different types of activity may warrant different thresholds.

422.4. Impacts on small, volunteer-led settings: even minimal registration requirements (e.g. basic details about proprietors, location(s), education offer, and number of children) could impose disproportionate burdens on small voluntary groups, especially provision of a drop-in nature, potentially deterring community participation and reducing access to valuable activities.

422.5. Identifying a regulatory body: whether an existing body (e.g. Ofsted or LAs), or a new entity, each option presents challenges around expertise, capacity, and the ability to oversee such a diverse sector.

422.6. Any approach must also reflect the sector's complexity to be effective. At this stage, it is unclear whether legislation or regulation would in fact address the biggest safeguarding challenges and issues facing the sector, or indeed whether a more multi-faceted approach is required. DfE currently does not have a sufficiently robust evidence base to support any one particular approach to strengthen the safety of OOSS.

Improvements

423. For the reasons stated above, the DfE's Call for Evidence on OOSS Safeguarding (Exhibit KD/214 - **DFE000084**) (launched 29 May 2025) is intentionally broad. DfE aims to understand current safeguarding practices across the sector, gather parental perspectives, particularly around awareness and use of existing guidance, and explore views on potential reforms, including registration, accreditation, engagement, further guidance or maintaining the status quo.

424. As referenced in paragraph 416, the Call for Evidence has been extended to 21 September 2025 to ensure a robust evidence base. Following the consultation, DfE plan to hold focus groups and roundtables to deepen our understanding and test promising options for further development.

Chapter 5 - Ofsted Inspections

Ofsted Inspections of The Range High School, The Acorns School and Presfield High School and Specialist College.

425. The Rule 9 request asks DfE to comment on the Ofsted inspection reports relevant to AR's educational history. DfE is aware of the Ofsted inspection reports for Range High School in Formby, The Acorns School in Ormskirk and Presfield High School in Southport, covering the periods during which AR was enrolled at each of the respective schools.

426. Ofsted's inspection frameworks are designed and operated independently of DfE, including the Ofsted/CQC SEND area inspection framework. These matters fall within the remit of Ofsted and CQC.

427. Ofsted's reports are publicly available and are primarily designed to give parents assurance about the quality of education being provided for their children. The department, as the schools' regulator, has a particular interest where Ofsted finds that a school is not performing effectively. In that case there are particular triggers and thresholds for intervention by the department. Ofsted's inspection frameworks are designed and operated independently of DfE, including the Ofsted/CQC SEND area inspection framework. These matters fall within the remit of Ofsted and CQC.

428. DfE did not conduct a detailed, proactive analysis of the Ofsted reports for the schools attended by AR prior to the incident. DfE does not routinely conduct in-depth analysis of every report unless specific concerns are raised. In cases where the LA is the responsible body, DfE's regional teams, particularly the LA place leads, would typically review the reports, but may not undertake detailed scrutiny if the graded outcome does not indicate significant risk. DfE notes that both Acorns School in Ormskirk and Presfield High School in Southport received 'Good' ratings in all their inspections conducted between 2013 and 2023 (Acorns in 2013, 2017 and 2023 and Presfield in 2013, 2018 and 2023 (Exhibit KD/215 - DFE000036, KD/216 - DFE000037, KD/217 - DFE000038, KD/218 - DFE000039 and KD/219 - DFE000040). During this period, a large proportion of Ofsted judgements were 'Good.' By 2024, 90% of schools were rated Good or Outstanding (Exhibit KD/220 – DFE000201). It therefore became apparent that a wide range of performance was being captured under those headings, making them less useful for parents (for example, in February 2025 there were schools rated as 'Good' in both the top and bottom 1% for attainment) (Exhibit KD/221 – DFE000202). The government have

addressed this through the removal of the single headline grade, while Ofsted's proposed report cards will give a more granular appraisal of schools.

429. AR attended Range High School prior to his exclusion in 2019. The Ofsted inspection in 2018 (27 to 28 November) found that the school 'Requires Improvement' ('RI'). This was in contrast to an inspection in 2013, which found that the school was 'Outstanding'. During the period in question, schools rated as 'Outstanding' were exempt from routine inspections due to a policy introduced by DfE in 2012. The policy aimed to reduce the perceived burden of inspection and allow greater autonomy for high-performing schools. Ofsted retained the authority to carry out inspections if specific concerns were raised or if there were significant changes within the school, such as the addition of a new key stage, and SSE also had the power to ask Ofsted to do so. The policy remained in place until 2020. Ofsted have confirmed to DfE that the 2018 inspection was carried out as part of its requirement to inspect 10% of previously exempt 'Outstanding' schools, selected through a risk assessment process (Exhibits KD/222 - DFE000021, KD/223 - DFE000249). Range High School was identified for inspection due to low progress among disadvantaged pupils, low progress for low attainers, a gradual decline in outcomes with a sharp drop in 2017 and a parental complaint regarding SEN provision in 2014. Some complaints were made known to the lead inspector during the 2018 inspection, including concerns about bullying and SEN support. Further complaints were received in 2019, relating to staff turnover, bullying and the adequacy of SEN provision. The report itself highlighted concerns around personal development and welfare, such as pupils' attitudes and the school's inconsistent record-keeping on bullying. It also raised issues with behaviour, such as inappropriate conduct from a small number of pupils and a decline in attendance. There are no references to extremism in the report, including in the safeguarding section.

430. Where a school was judged 'RI' and was previously 'Good' or 'Outstanding,' the 'RI' judgement served to identify areas of improvement for the school leadership to focus on. Range High School was reinspected in 2022 and was graded 'Good' in all areas. The inspection report explicitly referred to the improvements that had been made since the previous inspection. Under the policy in place at the time, had the school remained 'RI' when reinspected, it would have been eligible for intervention by the department. The government's current policy is also to intervene in schools with two or more successive inspections identifying areas for improvement.

Improvement Notices issued to Lancashire County Council in May 2016 and June 2025

431. An Improvement Notice is a non-statutory and informal mechanism used by DfE to engage with LAs to take a set of actions to drive improvement where there are concerns about performance. These notices are not legally enforceable and do not carry the weight of statutory directions under section 497A of the Education Act 1996. Instead, they are issued as part of a broader process of support and challenge from the department, intended to drive improvement in advance of the need to step-up to a Statutory Direction. The decision to issue an Improvement Notice is made by senior civil servants within DfE and they are typically issued following a poor Ofsted inspection, or a joint area inspection report by CQC and Ofsted if the concerns relate to SEND. The notice sets out the areas requiring improvement, the expectations for remedial action, and explains the subsequent steps that may be taken if improvement is not achieved.

432. The Improvement Notice issued to Lancashire County Council on 19 May 2016 on their CSC services followed an Ofsted inspection report published on 27 November 2015, which judged the council's children's services to be 'inadequate'. The notice addressed a range of weaknesses identified in the inspection, including the need for robust performance management and audit systems, improved management oversight, enhanced services for care leavers, and structural issues affecting the efficiency of case management (Exhibits KFD/224 – DFE000031, KD/225 - DFE000032 and KD/226 - DFE000033).

433. In June 2018, Ofsted conducted a re-inspection of Children's Services in Lancashire and found that significant improvements had been made and, as a result, judged the service to no longer be Inadequate. On 17 August 2018, Ofsted published a report indicating that the services were judged as Requires Improvement. This represented an improved rating while indicating that the LA needed to address specific areas to enhance their service. At this point, in conjunction with the Improvement Adviser, DfE took the decision to de-escalate intervention based on an assessment of the LA's ability to maintain momentum with their improvement and sustain the changes made to their services. DfE continued to support Lancashire through our regional improvement support programme with a focus on monitoring improvement progress and troubleshooting any challenges the LA experienced. DfE's improvement programme is designed to support all LAs on their improvement journey. Our improvement programme consists of evidence-based support programmes, which are delivered through trusted partners and sector experts building on the good practice in the system.

434. A second Improvement Notice was issued to Lancashire County Council on 5 June 2025 in relation to their SEND provision, following the publication of a joint Ofsted and CQC

Area SEND Inspection report on 12 February 2025. This Improvement Notice reflected the three areas for priority action and two areas for improvement in the council's provision of SEND services, as identified in the Ofsted and CQC report (Exhibits KD/227 - **DFE000034** and KD/228 - **DFE000035**).

Chapter 6: Broader reflections and improvements

435. This chapter sets out some broader reflections from DfE as the government department with responsibility for both the education and safeguarding of children and young people in England. As a department and Core Participant to the Southport Inquiry, DfE has reflected on the tragic events of 29 July 2024, drawing on the limited internal DfE data available to us, alongside publicly available information, to better understand the circumstances leading up to that day. This has involved reflecting on several DfE policies, guidance and processes.

436. DfE continues to work closely with the HO, Counter Terrorism Police, and OGDs and agencies to identify ways in which the system could be strengthened for the future. In addition to the reflections and improvements detailed in Chapter 3, we are taking specific steps to enhance collaboration and information-sharing among local services and agencies, which we know is an area of particular interest to the Inquiry. The department has also reflected on other issues relating to Prevent thresholds, pupil behaviour, and online safety, which are set out below.

a. Information sharing

437. The Prevent Learning Review found that AR had 15 contact points with public services including health, education, social care and police – yet these interactions did not collectively trigger a co-ordinated safeguarding response.

438. We know that in order to make good decisions about children in need of protection, practitioners need to have a full picture of what is happening in a child's life. This is partly about practitioners sharing information but also about practitioners being able to seek out missing information and being able to piece together disparate information.

439. The department is leading a cross-government programme of work to improve multi-agency information sharing. This includes legislating for an SUI in our Children's Wellbeing and Schools Bill, which has the potential to increase confidence that practitioners from different agencies are talking about the same child and increase the ease and possibility of linking data together across datasets.

440. Alongside this, the department is investing in a programme of work to develop and implement common data standards as a mechanism to improve information sharing. Data standards help different systems - for example those used by police, schools and social workers - to speak the same language. Without them, joining fragmented information from

across systems becomes difficult, or at times impossible. The department is working with sector representatives to ensure standards work focusses on the biggest information challenges they face, such as sharing across local area boundaries, which could help in cases such as this where there are multiple organisations sharing information.

441. The department is also taking steps to end the misconceptions about what information can and cannot be shared by creating a duty on agencies with a role in safeguarding children to share information for the purposes of safeguarding and promoting the welfare of children in the Children's Wellbeing and Schools Bill. This will apply both to information about the child, and information about another individual that relates to the child. The duty will be supported by new statutory guidance. The DfE is currently undertaking user research with practitioners across police, health, social care and education to identify the key pieces of information that help them carry out their safeguarding duties.

442. In addition to reflecting on how DfE support practitioners to share information, DfE has also been considering ways in which the sharing of information between local and national partners can be improved following a serious incident.

443. In response to the learning from this incident the department is currently working with the Children's Safeguarding Practice Review Panel to put in place an agreement that will assist with Rapid Reviews being able to be shared with OGDs in certain, limited, circumstances for the purpose of carrying out government business (including government departments carrying out their functions, cabinet and ministerial committee business and government policy).

b. Multi-Agency working

444. In addition to poor information sharing, poor and ineffective multi-agency working is often an issue when the safeguarding system has failed. The Child Safeguarding Practice Review Panel's review of child protection in England and the Independent Review of CSC (Exhibits KD/229 – DFE000203 and KD/029 – DFE000204) (both 2022) both cited fragmented multi-agency working and poor information-sharing as contributing to serious incidents.

445. The Independent Review of Children's Social Care identified that:

> *"health, police, education and other partners must all play a role in child protection to ensure that the needs and risks to a child are fully understood and responded to. This includes sharing critical analysis and challenge across professional boundaries. Poor*

multi-agency working at child protection is a perennial issue that has been raised in every recent review that has considered child protection, from Laming to Munro and before."

446. Most recently Louise Casey's audit of group-based child sexual exploitation in 2025 (Exhibit KD/230 – DFE000206) noted that:

"While it can be seen as positive that so many organisations have an active role to play in tackling child abuse and within that child sexual exploitation, the multitude of organisations and splits in responsibilities do present challenges for clear, decisive leadership, effective partnership working and sharing of information."

447. In response to the care review, we are taking forward the recommendation to introduce reforms to Family Help through the national Families First Partnership programme, as mentioned in paragraph 182. Through this programme, the department wants local areas to take an integrated, multi-agency approach to delivering family support services rooted in local co-design to improve information sharing, speeding up responses, and ensuring that children receive holistic and timely support. The programme, which aims to rebalance the CSC system toward earlier intervention, is backed by £523 million each year of the spending review period until 2028-29. This will be increased by at least £300 million over the next two years (2026-27 and 2027-28), as part of the £555 million investment from the Transformation Fund. The department has also announced an additional £18 million investment in 2025-26 to support LAs and safeguarding partners to implement the reforms.

448. Community based Family Help teams will wrap support around families at the point of need, rather than waiting for them to hit an arbitrary threshold. Families in need of support will be appointed a dedicated lead practitioner, who will draw on the expertise of a wider multi-disciplinary team to provide holistic support, which addresses the needs of the whole family.

449. Also building on good practice and lessons learned from failings, through the Children's Wellbeing and Schools Bill we are strengthening multi-agency working, specifically through:

449.1. a new information sharing duty and provision to enable the specification of an SUI for children;

449.2. bolstering the role of education and childcare in multi-agency safeguarding arrangements, to ensure two-way sharing of expectations and approach;

449.3. establishing new, expert-led multi-agency child protection teams ("MACPTs");

449.4. ensuring children subject to child protection enquiries or on child protection plans have LA approval before being educated at home, and that the LA can consider the home and learning environment when considering suitability of education at home.

450. In particular, MACPTs are designed to strengthen decision making and improve co-operation among safeguarding partners and other relevant agencies where there are concerns that a child is suffering or likely to suffer significant harm. MACPTs will comprise a core membership of experienced and suitably qualified social workers, police officers, registered health practitioners and persons with experience of education. Representatives from other services such as probation, domestic abuse services and youth workers may also be involved in MACPTs according to local demographics, needs and harm profiles. They will:

450.1. Be equipped to identify, understand and respond effectively to all harm types, inside and outside of the home and online, recognising that children can experience more than one type of harm.

450.2. Tailor their multi-agency child protection response to meet the needs of children and families facing significant harm outside the home, taking into consideration a number of key features, drawn from the best available evidence.

450.3. Emphasise inclusive, anti-discriminatory practice, including being alert to any bias in practice that could adversely impact particular groups or communities.

450.4. Bring expert child protection knowledge, skills and practice to the children and families who need it.

451. Core principles underpinning this include working with the whole family, supported by multi-agency teams, to offer a clear plan and support to prevent escalating needs; and investing in the key enablers which underpin the children's social care system – including the workforce, better data and information sharing, and drawing on evidence-based programmes to improve children's outcomes. Legislating for multi-agency child protection teams will directly address weaknesses in joining-up across services and bring decision-makers together and our work to improve multi-agency information sharing seeks to ensure practitioners have access to relevant information so they can understand what life is like for the children they are supporting.

452. There is more to do at the central policy making level to identify best practice in the CSC response to children and young people as perpetrators – noting that they are often victims too. This is also the case in education settings where safeguarding and educational attainment responsibilities are for both victims and perpetrators.

453. As announced in April 2025 as part of the cross-government Child Sexual Abuse update (Exhibit KD/231 - DFE000250), DfE is also establishing a new Child Protection Authority that will be a vital part of strengthening multi-agency child protection at the national level. Alongside this, government committed to strengthening multi-agency child protection inspection and follow up accountability.

454. DfE have reorganised responsibilities to bring relevant safeguarding teams under one structure in Families Group, and to bring together responsibilities for work with the HO including violence, misogyny and countering extremism under one director.

455. This incident has also shone a light on the multi-agency "front doors" (including Multi-Agency Safeguarding Hubs ("MASH")) which triage referrals into CSC (and, in some cases, early help). Specifically, how these arrangements align (or not) with referrals into Prevent and Channel and how the system identifies, assesses and responds to the risk a child may pose to others, alongside potential risks posed to the child themselves. This is something DfE will need to consider further following recommendations made by David Anderson KC's review of Prevent (Exhibit KD/232 – DFE000207). Since this tragic event, government and its partners have published two important documents to help inform effective multi-agency front door working: an evaluation of multi-agency safeguarding hubs (Exhibit KD/233 – DFE000208) and a new set of guiding principles for MASHs (Exhibit KD/234 – DFE000209).

456. DfE recognises that investment into early intervention improves outcomes and reduces overall public spending. Despite significant increases in expenditure on children and young people services in recent years, spending on non-statutory, preventative services has fallen by 25% in real terms over the past decade, falling from just over £3.6 billion in 2013 to 14 to just under £2.75 billion in 2023 to 24.

457. This corresponds to evidence from the Independent Review of Children's Social Care (2022) (Exhibit KD/029 – DFE000204), which concluded that too many children and families did not receive the right support at the earliest opportunity. It found that teams operated in silos and children and families would be regularly handed off between different

professionals and agencies as their needs changed; relationships would be lost, and the opportunity to deliver meaningful support would be missed.

458. The government's Opportunity Mission (Exhibit KD/235 – DFE000210) has a strong role to play in prevention and intervention where there is risk of harm. Supporting children and young people to achieve and thrive through attainment, extracurricular activities and strong pastoral care in schools gives them a sense of belonging, accomplishment and positive wellbeing, all protective factors against risky and harmful alternatives.

c. Prevent thresholds

459. DfE has been working with Prevent regional leads and with HO and CT police to consider whether Prevent thresholds are correct and how they are applied locally. The education sector has seen an increase in referrals to Prevent since the Southport attacks. Prevent is well established in the education sector and a change in thresholds to bring a wider group of violence fixated individuals into scope would be deliverable, although expanding the cohort would come with significant resourcing pressures.

460. DfE has been working with the HO and others to understand whether violence fixated individuals would be identified and supported by the existing thresholds and processes in the education, childcare and social care sectors for example school attendance, support from CSC. DfE think that they would, but testing this with individual cases will help determine if improvements are needed.

d. Managing children who pose a risk to others in school, and balancing protection of the individual with protection of others

461. DfE has also been reflecting on the prioritisation of support to individuals who pose a risk to others as well as those who pose a risk to themselves. Support in DfE sectors is prioritised on greatest individual need. Engagement with support involves some voluntary cooperation for example attendance at school, engagement with CSC. Where an individual poses a greater risk to the safety of others than the risk of safety to themselves, the voluntary cooperation may not be enough to ensure they engage effectively with the support offered. There are lessons to be learnt from this incident about the voluntary nature of services offered.

e. School attendance

462. DfE has a strong focus and programme on school attendance. DfE believes that the best place for children and young people is in school, for their attainment, life chances, and to keep them from risk of harm. This will continue to be a significant priority and has seen an expanded programme of activity and guidance since 2021, following the COVID-19 pandemic.

f. Digital/cyber protection (both in school and at home)

463. Most people are now spending more time online and there are huge benefits. There are also risks, and there is a responsibility to keep safe online and keep healthy with a balance of online and in person activities. The government is modernising digital safeguarding through the Protection of Children (Digital Safety and Data Protection) Bill and the Online Safety Act. Schools should already be working towards meeting core digital standards, including robust filtering, monitoring, and cyber resilience. DfE accepts more needs to be done and it is an ongoing and active priority to increase software compliance with the filtering and monitoring standards, and to make it easier for schools to identify suitable systems.

464. DfE and government are also considering how best to support children and young people, parents and families with the best evidence and guidance about safety online and screen time.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings many brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed Signature

Dated: 05/09/2025