ADDYSG CYMRU
EDUCATION WALES
cenhadaeth ein cenedl | our national mission

Llywodraeth Cymru
Welsh Government

Keeping learners safe

The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002



Guidance

Guidance document no: 265/2020
Date of issue: October 2020
Replaces guidance document no: 158/2015

WLGA000005_0001

Keeping learners safe

Audience

This guidance is intended for all those working with children and young people in an education setting or related agency who would benefit from understanding the process and expectations for safeguarding in schools, and the wider system.

Overview

This document contains guidance for local authorities and governing bodies on arrangements for safeguarding children under the Education Act 2002. The guidance relates directly to the safeguarding procedures and duties under the Social Services and Well-being (Wales) Act 2014.

Action required

Employers and educational settings engaged with the provision of education services to children and young people should take the necessary action outlined in this guidance. There are legal obligations for employers and educational institutions in these areas and these are highlighted in the guidance.

Further information

Enquiries about this document should be directed to:

Support for Learners Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: keepinglearnerssafe@gov.wales

@WG_Education

Facebook/EducationWales

Additional copies

This document can be accessed from the Welsh Government's website at gov.wales/keeping-learners-safe

Related documents

This guidance replaces:
Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002 guidance no. 158/2015 (Welsh Government, 2015)

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

OGL © Crown copyright 2020 WG39006 Digital ISBN 978 1 80082 240 5

Contents

Preface **3**
Who is this guidance for? 3
What is safeguarding? 3
The status and content of this guidance **5**
1. The framework for safeguarding in Wales **6**
Wales Safeguarding Procedures 2019 8
Well-being of Future Generations (Wales) Act 2015 8
The Equality Act 2010 8
The United Nations Convention on the Rights of the Child (UNCRC) 9
A children's rights approach 10
Inspections 11
2. Safeguarding roles and responsibilities in the education system **13**
Local authority designated lead officer for safeguarding in education 13
Designated governor for safeguarding 16
Safeguarding training 20
3. Responding to concerns that a child is at risk **23**
Required information for staff in education settings 24
Signs that education setting staff should look out for 24
Appropriate response from education setting staff with safeguarding concerns 25
Seeking advice on concerns 25
4. Specific responsibilities of different education settings **34**
Responsibilities of colleges 34
Responsibilities of independent schools 34
Responsibilities of independent schools offering boarding provision 35
Responsibilities of local authorities and school governing bodies for education provided outside of a maintained school setting 36
Responsibilities of work based learning providers 37
Responsibilities of community-focused schools, pre- and post-school activity providers and out of hours learning providers 37
Responsibilities of funded non-maintained settings 38
Responsibilities of youth work settings 38
5. Safeguarding responsibilities in specific circumstances **39**
All Wales Practice Guides 39
Peer-on-peer abuse and harmful sexual behaviour 40
Child abuse images and the internet 41
Children missing from home or care 41
Unaccompanied Asylum Seeking Children (UASC) 41
Bullying 41
Hate crime 42

Inclusion and pupil support 42
Children missing education 43
Looked after children 43
Foreign exchange visits 43
Outdoor learning and trips 44
Physical contact with pupils, including restraint 44
Substance misuse 45
Suicide and self-harm 46
6. Domestic abuse, gender-based violence, sexual violence and harmful cultural practices 47
Proactive approaches 47
Operation Encompass 48
Responding to concerns 48
Female genital mutilation (FGM) 49
Forced marriage 49
7. Keeping learners safe and secure online 50
8. Community cohesion 54
Preventing radicalisation 54
9. Safer staff recruitment practice 57
Supply agencies 58
What school or college staff should do if they have concerns about safeguarding practices within the school or college 59
The Disclosure and Barring Service (DBS) 60
Annex1: Model Safeguarding Policy 61
Annex 2: Glossary of terms 65
Annex 3: Safeguarding audit tool 68

Preface

Throughout this guidance the terms **must, should** and **effective practice** are used. The term **must** is used when there is a statutory duty to meet the requirement. The word **should** is used when the advice set out should be followed unless there is good reason not to. The term **effective practice** is used where it is considered the education setting ought to follow the advice, but there is no requirement to do so.

Who is this guidance for?

This statutory guidance **must** be read and followed by local authorities and governing bodies of maintained schools (including maintained nursery schools), voluntary-aided and foundation schools, and further education institutions, under section 175 of the Education Act 2002 (referenced as "the 2002 Act" hereafter); and independent schools under section 157 of the 2002 Act. The above **should** ensure that all staff in those education settings have an understanding of this guidance, and ensure that there are systems in place to support staff to understand and discharge their roles and responsibilities as set out in this guidance.

The guidance also sets out effective practice for wider education settings and related agencies, particularly those inspected by Estyn. It is recommended as relevant for youth services, work-based learning providers, proprietors of EOTAS provision, initial teacher education (ITE) partnership leads, safeguarding children boards, higher education institutions, Careers Wales and funded non-maintained early years settings.

The purpose of this guidance is to help all education settings ensure they have effective safeguarding systems in place. It sets out the responsibilities of local authorities, governing bodies of all maintained schools (references to schools throughout the document also apply to pupil referral units), further education institutions (referred to as colleges in this guidance from this point forward) and proprietors of independent schools, to have arrangements for exercising their functions to safeguard and promote the well-being of children in Wales.

The guidance is also relevant for agencies that supply staff to the education sector, contractors who work in education establishments responsible for under-18s, as well as other providers of education and training for those under 18. In addition, the guidance is also relevant for ITE Partnerships who are required to ensure that all student teachers are provided with specified periods of school experience for school-led training[1].

What is safeguarding?

Safeguarding is preventing and protecting children from abuse, neglect or other kinds of harm, and educating those around them to recognise the signs and dangers. Safeguarding and promoting the well-being of all children attending an education setting is defined for the purposes of this guidance as:

---

[1] gov.wales/initial-teacher-education-programmes-accreditation-criteria

- protecting children from risk of abuse, neglect or other kinds of harm
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to achieve the best outcomes.

For the purposes of this guidance:

- "children" includes everyone under the age of 18. Section 175 of the 2002 Act and section 3 of the Social Services and Well-being (Wales) Act 2014 (referenced as "the 2014 Act" hereafter) defines a child as a person under the age of 18. This means that the safeguarding duties set out in this guidance apply to all children and young people up to the age of 18 years. We recognise that teenagers may not like being referred to as children and will prefer the term young person. The use of the term 'child' in this guidance does not mean that everyone working in an education setting should use the term in practice
- well-being is defined under section 2 of the 2014 Act and includes "welfare" as that word is interpreted for the purposes of the Children Act 1989.

Everyone working in an education setting, whether employed by the local authority or otherwise, who comes into contact with children and their families has a role in safeguarding children. They form part of the wider safeguarding system for children and are in a position to identify concerns early and provide help for children to prevent issues from escalating. They should work with local authorities, the police, health services and other services to promote the well-being of children and protect them from harm.

Everyone working in education is responsible for keeping children safe by:

- creating and maintaining a safe learning environment for children
- identifying child well-being concerns and taking action to address them, where appropriate, in partnership with other agencies
- developing children's understanding, awareness and resilience through the curriculum.

Achieving this objective requires systems designed to:

- prevent unsuitable people[2] from working with children
- promote safe practice and challenge poor and unsafe practice
- identify instances in which there are grounds for concern about a child's well-being, and initiate or take appropriate action to keep them safe
- contribute to effective partnership working and communication between all those involved with providing services for children and families
- promote and protect children and young people' rights.

---

[2] Section 113BA of the Police Act 1997 sets out suitability information relating to children.

The status and content of this guidance

This guidance is issued by the Welsh Ministers in exercise of their powers under section 175 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/175). Under section 175 of the 2002 Act, local authorities and governing bodies of maintained schools and further education institutions must have regard to this guidance for the purpose of meeting their duties and should exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children. The requirement to 'have regard' means that the guidance must be taken into account and any decision to depart from it must be justified.

Under section 157 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/157), proprietors of independent schools must have regard to this guidance for the purpose of meeting standards set out in regulations, and exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children.

This document:

- provides guidance about the effect of the duty to have arrangements to safeguard and promote the well-being of children introduced by section 175 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/175)
- sets out the roles and responsibilities of local authorities, governing bodies, proprietors of independent schools, headteachers, and staff with designated responsibility for safeguarding in making arrangements to support those in the education settings to safeguard children from abuse, neglect or other kinds of harm
- provides advice on effective practice to other education settings
- supplements volumes 1, 2 and 5 of *Social Services and Well-being (Wales) Act 2014:* Working Together to Safeguard People (see gov.wales/safeguarding-guidance) which have been issued under Part 7 of the 2014 Act. This suite of guidance sets out clear expectations about the way in which agencies and practitioners should work together to safeguard children. The Wales Safeguarding Procedures[3] set out the detailed practice guidance for working together and this guidance aligns with the Procedures.

This guidance does not prescribe detailed procedures, rather it aims to specify the outcomes that organisations need to secure to enable staff to meet the objective of keeping children safe from harm as well as what needs to be done, or put in place, to achieve this.

This guidance replaces the previous *Keeping Learners Safe* guidance 2015 (document number: 158/2015).

---

[3] The Wales Safeguarding Procedures were published in November 2019 and replace the All Wales Child Protection Procedures
www.safeguarding.wales/

1. The framework for safeguarding in Wales

1.1 All schools and colleges have statutory duties to operate in a way that takes into account the need to safeguard and promote the well-being of children[4], and in the case of some adults, colleges. The legal responsibilities are set out in:

- the common law duty of care[5]
- the duty to report[6]
- the duty arising from the contract of employment.

1.2 The arrangements that local authorities, governing bodies and proprietors have in place to comply with these statutory duties need to ensure:

- reasonable measures are taken to minimise risks of harm to children's well-being[7]
- appropriate actions are taken to address concerns about the well-being of a child or children, working to agreed local policies and procedures in full partnership with other local agencies.

1.3 In deciding what arrangements **must** be made to meet their duties, local authorities, and governing bodies must have regard to the guidance given by the Welsh Government, including the guidance set out in this document.

1.4 Proprietors of independent schools **must** comply with this guidance to meet the well-being, health and safety standards prescribed in regulations under section 157 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/157).

1.5 Where there are statutory requirements, local authorities, governing bodies and proprietors, schools and colleges must have in place policies and procedures that satisfy these requirements, as well as comply with any guidance issued by the Welsh Government.

1.6 **Annex 1** of this guidance provides a model safeguarding policy to help support education settings in their safeguarding arrangements. Its application is non-statutory but considered **effective practice**.

1.7 Local authorities, governing bodies and proprietors also need to be able to show they have considered whether children, including individual children, in their area have any specific safeguarding needs in addition to those covered by

---

[4] Statutory duty for local authorities and governing bodies of maintained schools and colleges under section 175 of the 2002 Act applies to proprietors of independent schools by virtue of the Independent School Standards (Wales) Regulations 2003 (see www.legislation.gov.uk/wsi/2003/3234/schedules/made) made under section 157 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/157).

[5] The 'common law' is law developed through decisions of the Court as opposed to law that has been determined by Parliament and set down in statute.

[6] Section 128 and Section 130 of the 2014 Act (see www.legislation.gov.uk/anaw/2014/4/contents).

[7] Well-being is defined under section 2 of the 2014 Act and includes "welfare" as that word is interpreted for the purposes of the Children Act 1989.

guidance. If so, they must have policies and procedures in place to meet those needs.

1.8 Failure to have arrangements in place as required by section 175 (see www.legislation.gov.uk/ukpga/2002/32/section/175) or to adhere to regulations made under section 157 (see www.legislation.gov.uk/ukpga/2002/32/section/157) of the 2002 Act, or to have regard to guidance issued by the Welsh Government, may be grounds for the Welsh Ministers to take action against local authorities, governing bodies, or proprietors of independent schools.

1.9 The responsibility for making sure these arrangements are in place is the duty of the local authority, the governing body or the proprietor of an independent school. Individuals do not have direct liability, except where the proprietor of an independent school happens to be an individual.

1.10 Headteachers, principals and other members of staff are responsible for carrying out their duties in compliance with the arrangements made by the local authority, governing body or proprietor. Enforcing individual compliance with those arrangements is a matter for the employer under disciplinary procedures.

1.11 Every local authority in Wales **must** have a single point of contact for those working with children to raise concerns about a child at risk. Everyone working in an education setting **should** be familiar with the local authority contact and the details of the designated safeguarding person (DSP) within their education setting to raise such a concern. Each school or college **must** ensure that there is a safeguarding policy that clearly sets out the contact details for the local authority first point of contact. This policy should be readily available to all staff. This is **effective practice** for all education settings.

1.12 The 2014 Act provides for the establishment of safeguarding children boards (SCB). Each SCB partner[8] **must** be represented by a representative of sufficient level of seniority to ensure effective decision-making. The functions of the director of education must be reflected on the SCB. In the absence of the relevant director, another officer who is accountable to the director and of sufficient seniority to represent the authority may attend in their place. This representative **must** take responsibility for making relevant information available to schools.

1.13 Schools and colleges are required to cooperate and provide information to local authorities[9]. Safeguarding boards have the power to request specified information[10] from a qualifying person or body provided that the purpose of the request is to enable or assist the board to perform its functions under the Act. Each SCB will have a subgroup to lead multi-agency practice reviews of a significant incident where abuse or neglect of the child is known or suspected. Wherever necessary there will be an education representative in such reviews.

---

[8] As set out in section 134 (2) of the 2014 Act.
[9] Section 164 of the 2014 Act.
[10] Section 137 of the 2014 Act.

This representative will be responsible for liaising with the school where additional information is required.

1.14 *Social Services and Well-being (Wales) Act 2014:* Working Together to Safeguard People (see gov.wales/safeguarding-guidance) provides a suite of guidance to support practitioners in exercising their duties under Part 7 of the 2014 Act[11].

Wales Safeguarding Procedures 2019

1.15 The Wales Safeguarding Procedures[12] support individuals and agencies across Wales to understand their roles and responsibilities in keeping children and adults safe. They support a consistent approach to safeguarding practice and procedures across Wales.

1.16 They are owned by the safeguarding boards in Wales and provide a framework that reflects day-to-day operational arrangements underpinned by the legislative framework set within the 2014 Act and related guidance. They are an integral part of safeguarding and promoting the well-being of children and adults at risk.

1.17 All Wales Practice Guides on safeguarding children in specific safeguarding circumstances have been developed to be used in conjunction with the Wales Safeguarding Procedures and links are included in section 5.

Well-being of Future Generations (Wales) Act 2015

1.18 In line with the Well-being of Future Generations (Wales) Act 2015, schools and colleges should maintain an emphasis on prevention, in terms of early intervention, with a view to reducing the risks children are exposed to and subsequent difficulties in later life. Exposure to adverse childhood experiences[13] (ACEs) is associated with poorer health and well-being outcomes. Early identification, intervention and action to mitigate the impact of ACEs, across the life course, is vital.

The Equality Act 2010

1.19 The Equality Act 2010 (see www.legislation.gov.uk/ukpga/2010/15/contents) places a duty on governing bodies and proprietors to ensure the education setting meets the requirements of equality legislation. To meet its duty a governing body or proprietor should:

---

[11] https://socialcare.wales/hub/statutory-guidance
[12]. The Wales Safeguarding Procedures replace the existing All Wales Child Protection Procedures.
[13] ACEs include child maltreatment (such as physical, sexual and verbal abuse) and wider experiences of household dysfunction (such as growing up in a household affected by domestic violence, parental separation, substance misuse, mental illness or criminal behaviour).

- ensure the education setting takes all reasonable steps to ensure that its employees do not carry out unlawful discriminatory actions or behaviours
- support and guide the education setting to have due regard for equality in all its functions
- ensure the education setting complies with the Equality Duty.

1.20 There are general duties under the Act that schools and colleges must fulfil. There are also specific school provisions in Part 6 and Part 7 of the Act which prohibit schools from discriminating against, harassing or victimising:

- prospective learners (in relation to admissions arrangements)
- learners at the education setting (including those absent or temporarily excluded)
- former learners (if there is a continuing relationship based on them having been a learner at the school).

1.21 Local authorities in Wales have obligations under the school provisions where they are the responsible body for the school. Local authorities also have obligations as service providers and bodies carrying out public functions.

1.22 The Equality and Human Rights Commission has produced 'What equality law means for you as an education provider: schools' (see www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-education-provider-schools) and 'What equality law means for you as an education provider – further and higher education' (see www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-education-provider-%E2%80%93-further-and-higher-education) providing advice on the specific responsibilities under the Act.

The United Nations Convention on the Rights of the Child (UNCRC)

1.23 The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that protects the human rights of children under the age of 18. There are 54 articles in the UNCRC. Articles 1–42 set out the rights to which each child is entitled. Articles 43–54 are about how adults and governments should work together to make sure all children are entitled to their rights. In 1991 it was ratified by the UK Government, which formally agreed to ensure that every child in the UK has all the rights listed in the UNCRC.

1.24 The UNCRC has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural, rights of children. A summary of the UNCRC can be found under 'The United Nations Convention on the rights of the child' link at gov.wales/childrens-rights-teaching-resources.

1.25 Key articles include that every child has a right to:

- article 12 – have their voice heard in decisions that affect them
- article 19 – be protected from violence, abuse and neglect
- article 28 – an education

- article 29 – an education that is directed to the development of the child's personality, talents and mental and physical abilities
- article 33 – to be protected from dangerous drugs
- article 34 – to be kept safe from sexual abuse
- article 36 – to be kept safe from harm to their development.

1.26 In 2011, Wales became the first administration in the UK to enshrine the UNCRC in domestic law, through the Rights of Children and Young Persons (Wales) Measure 2011 (see www.legislation.gov.uk/mwa/2011/2/contents). Section 1 of the Measure places a duty upon the Welsh Ministers when exercising any of their functions to have due regard to the requirements of:

- part 1 of the UNCRC
- articles 1 to 7 of the Optional Protocol to the UNCRC on the involvement of children in armed conflict, except article 6(2) (see www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx)
- articles 1 to 10 of the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography (see www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx).

1.27 The Welsh Government's Children's rights website (see gov.wales/childrens-rights-in-wales) has been designed to help practitioners, policymakers and all stakeholders develop their understanding of both children's rights and how to adopt a children's rights perspective in their work. The website offers a suite of resources including training for professionals (see gov.wales/childrens-rights-in-wales).

A children's rights approach

1.28 Developing children's understanding of their rights, as set out at section 4 of the Rights of Children and Young Persons (Wales) Measure 2011, is an important preventative measure to safeguard the welfare of children and young people. Enabling children to experience their right to have their opinion heard when adults are making decisions that affect them (article 12 of the UNCRC) is a key safeguarding tool.

1.29 Creating opportunities for children to learn about their rights can also directly enable children and young people to make disclosures about their experiences.

1.30 Education settings can develop a children's rights approach using the Children's Commissioner for Wales' guidance for education settings, *The Right Way: a children's rights approach to education in Wales* (see www.childcomwales.org.uk/resources/childrens-rights-approach/childrens-rights-approach-education-wales/).

1.31 This practical approach for working with children, based on the UNCRC, has five principles:

- **embedding children's rights** – putting children's rights at the core of planning and delivery

- **equality and non-discrimination** – ensuring that every child has an equal opportunity
- **empowering children** – enhancing children's capabilities as individuals so they're better able to experience their rights
- **participation** – listening to children and taking their views meaningfully into account
- **accountability** – authorities should be accountable to children for decisions and actions that affect their lives

A range of further resources for learning about rights is available on Hwb (see hwb.gov.wales/repository/tree?sort=recommendation&language=en&query=children's%20rights&strict=true).

1.32 The Children's Commissioner for Wales has also produced a resource package including accessible resources for children and young people (see www.childcomwales.org.uk/resources/accessible-teaching-resources/) with additional learning needs, and professional learning resources for teachers (see www.childcomwales.org.uk/resources/training-resources-for-teachers/).

1.33 The Welsh Government's 'Children's rights' website (see gov.wales/childrens-rights-in-wales) has been designed to help practitioners, policymakers and all stakeholders develop their understanding of children's rights and how to adopt a children's rights perspective in their work. The website offers a suite of resources including training for professionals (see gov.wales/childrens-rights-in-wales).

Inspections

1.34 Safeguarding practice in all schools, colleges, work based learning (WBL) providers, nursery schools and funded non-maintained settings (NMS), ITE partnerships and local authorities are subject to inspection by Estyn and, in some cases, the Care Inspectorate Wales (CIW). In all education settings, it is the ability to safeguard and promote the well-being of children in accordance with the relevant legislation and guidance that will inform the inspectorate's judgement of an education setting's overall performance. Performance in this area will not be judged solely on the existence of procedures, but also on their effectiveness in safeguarding children from neglect, abuse and other kinds of harm.

1.35 All inspectors also have a responsibility to report any safeguarding disclosures or concerns they may have when visiting an education setting.

1.36 Estyn inspects all independent schools in Wales. When an independent school has residential accommodation or is associated with a children's home, they are subject to inspection by both Estyn and CIW. Estyn will carry out an inspection of the school and its education aspects and report to Welsh Ministers on the extent to which the Independent Schools Standards, including safeguarding aspects, are met.

1.37 Estyn inspects provision for pre-school-aged children in maintained nursery schools, while funded non-maintained settings are jointly inspected by Estyn and CIW.

1.38 Prior to inspection of schools, pupil referral units and funded non-maintained settings, Estyn seeks the views of teachers, support staff, governors, management committees, employers, learners, parents and carers through pre-inspection questionnaires (see www.estyn.gov.wales/inspection-feedback/questionnaires).

1.39 As **effective practice**, it is expected that the DSP will ensure the provider's safeguarding practice is audited at least annually. There are many useful audit tools used by providers in Wales. The tool at Annex 3 is recommended by the Welsh Government as a comprehensive tool, and should be completed on an ongoing basis. The tool supports education settings to review their safeguarding arrangements and identify strengths and weaknesses to ensure they are exercising their legal safeguarding obligations in line with this guidance. The tool has been developed with input from Estyn and when used effectively meets the requirements expected by Estyn during inspection.

2. Safeguarding roles and responsibilities in the education system

2.1 The role of education in safeguarding children effectively is vital as education settings have frequent contact with children and families and could be the only professionals in their lives. Education settings often bring a child into contact with a trusted adult and staff will get to know the child and family as well as their wider community. This brings responsibilities and opportunities, and safeguarding should be embedded in to the culture of an education setting so early intervention and prevention can be instigated, risks minimised and the impact of trauma reduced. The whole-school (setting) approach to well-being is not about promoting any one initiative, nor intervention over any other as there is no 'silver bullet' and each school will need to consider how it addresses its needs in line with its own unique circumstances. At its heart, the framework is about reinforcing the little things that build the positive relationships which, above all, make the difference and which foster the sense of belonging and community – not just relationships between learners and staff, but also relationships that span community, statutory and third sector boundaries, so that the whole system, working around the school or education setting as the hub of the community, can create an ethos that values and supports emotional and mental well-being. This approach needs support from the whole education system and each role and responsibility in this section will contribute to its success.

Local authority designated lead officer for safeguarding in education

2.2 Local authorities **must** ensure that an appropriate senior officer within its education department is designated to have lead responsibility for discharging its safeguarding duties in education. The range of responsibilities attributed to this designated officer post should be consistent with the need to ensure that effective safeguarding arrangements operate across the authority's education functions.

2.3 Local authorities have strategic, support and operational levels of responsibilities.

Strategic responsibilities

2.4 At this level the local authority **should** ensure:

- they allocate resources to support the work of the regional SCB
- their senior officers, including education officers, represent the authority on the SCB and the authority makes an effective contribution to planning coordinated services to meet the needs of children
- they work with other agencies to put in place, and support, effective partnership working
- they build positive working relationships and ensure effective communication with other services within the local authority

- resources are allocated to enable the local authority and maintained schools to discharge their responsibilities for safeguarding children satisfactorily
- effective liaison with the appropriate diocesan authorities in respect of arrangements for voluntary-aided or foundation schools in their area
- maintained schools' compliance with this guidance is monitored, particularly regarding employment checks (including temporary and agency staff), the existence and operation of appropriate policies and procedures and the training of staff, including the senior person with designated safeguarding responsibility in schools and their supervision
- they bring deficiencies to the attention of the governing body of the school and advise upon the action needed to remedy them
- inter-agency problems are resolved as soon as possible after they are identified
- they play a full part in child practice reviews in accordance with *Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 2 – Child Practice Reviews* (see gov.wales/safeguarding-children-guidance-child-practice-reviews), review and revise procedures and training in light of the findings of reviews, and disseminate information about relevant findings to those with responsibility for child protection in the authority and maintained schools.

Support responsibilities

2.5 At this level the local authority **should**:

- ensure that induction training for all new staff working in an education setting in the authority, and for staff who will work with children in maintained schools, includes safeguarding training that will enable them to fulfil their responsibilities effectively in respect of child protection, including responding to disclosures of abuse, neglect and other kinds of harm appropriately and sensitively. The local authority should also ensure that suitable refresher training is completed to keep staff knowledge and skills up to date. Governors of maintained schools should also receive appropriate training on their safeguarding responsibilities and in handling allegations of abuse against school staff
- ensure that further training in inter-agency working to safeguard children, either provided by the SCB or meeting the standards set out by the board, is available for all staff appointed to have responsibility for safeguarding. Suitable refresher training should also be available and meet the standard set by the SCB
- maintain a record of all DSPs and designated governors for safeguarding within schools in their area, as well as the training undertaken and the dates on which training was undertaken
- oversee the supervision arrangements for DSPs in the authority to ensure the role does not have a detrimental effect on their well-being and they have an opportunity to reflect on their practice
- provide model policies and procedures for maintained schools on all aspects of child protection, including recruitment, and procedures for dealing with allegations of abuse against staff and volunteers. The policies and

procedures must be consistent with Welsh Government guidance (in particular the model policy and statutory guidance issued in *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies*, circular 002/2020 (see gov.wales/disciplinary-and-dismissal-procedures-school-staff), and SCB-agreed procedures for inter-agency working, as appropriate). A model safeguarding policy is provided in Annex 1
- provide advice, guidance and support about dealing with individual cases to maintained schools and DSPs in those establishments. Where necessary, the authority should act on their behalf to resolve any difficulties with, or obtain appropriate support from, SCB partner agencies
- liaise with maintained schools, agencies and colleges to ensure referrals are made to the Disclosure and Barring Service (DBS)/Education Workforce Council (EWC)
- have in place arrangements to support staff within the authority and maintained schools who have designated lead responsibility for safeguarding. These arrangements should encourage and foster a good understanding and working relationship between them, children's social workers and staff in other agencies involved in safeguarding children, to develop effective partnership working.

Operational responsibilities

2.6 At this level the local authority **should**:

- operate safe recruitment procedures and make sure that all appropriate checks are carried out on new staff and unsupervised volunteers who will work with children, including DBS checks
- safeguard and promote the well-being of children who have not been allocated a school place, or are excluded from school, including those being educated in pupil referral units, alternative provision or via the home tutor service
- seek to build effective relationships with home educators that function to safeguard the educational interests and the well-being of children. Doing so will provide parents/carers with access to any support that is available and allow authorities to understand the parents'/carers' educational provision. For further information refer to the *Elective home education – Non-statutory guidance for local authorities* (see gov.wales/elective-home-education-local-authorities)
- have in place arrangements for overseeing allegations of abuse against members of staff in the authority, schools or colleges. The Welsh Government has issued guidance, Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies (see gov.wales/disciplinary-and-dismissal-procedures-school-staff), which includes a model policy
- work with schools and SCB partner agencies to ensure that allegations are dealt with quickly, fairly and consistently, and that appropriate referrals are made to the DBS and the EWC
- ensure that the authority's staff who work with children (including any staff carrying out functions on behalf of the authority) receive training that equips them to carry out their responsibilities for child protection effectively.

Responsibilities of governing bodies/proprietors

2.7 Governing bodies are accountable for ensuring effective policies and procedures are in place to safeguard and promote the well-being of children in accordance with this guidance, and for monitoring compliance with them.

2.8 Governing bodies of maintained schools, governing bodies (corporations) of colleges, and proprietors of independent schools **must** ensure their respective organisations:

- have effective safeguarding (including child protection) policies and procedures in place that are:
  - in accordance with local authority guidance, locally agreed inter-agency procedures and national minimum standards
  - inclusive of services that extend beyond the school/college day (e.g. boarding accommodation, community activities on school premises, etc.)
  - reviewed at least annually
  - made available to parents or carers on request
  - provided in a format appropriate to the understanding of children, particularly where schools and colleges cater for children with additional learning needs.
- operate safe recruitment procedures that take account of the need to safeguard children, including arrangements to ensure that all appropriate checks are carried out on new staff and unsupervised volunteers who will work with children, including relevant checks
- ensure that the headteacher/principal and all other permanent staff and volunteers who work with children undertake the training necessary to carry out their responsibilities for safeguarding effectively, which is kept up to date by refresher training
- give clear guidance on the organisation's arrangements for child protection and the responsibilities to temporary staff and volunteers who will be providing cover during short-term absences and working with children
- ensure that the governing body/proprietor remedies without delay any deficiencies or weaknesses regarding any child protection arrangements brought to its attention
- ensure that the DSP, the designated governor and the chair of governors undertake training in inter-agency working that is provided by or to standards agreed by the SCB, as well as refresher training to keep their knowledge and skills up to date, in addition to basic safeguarding training.

Designated governor for safeguarding

2.9 Schools and colleges **should** identify a designated governor for safeguarding to:

- take responsibility for **all** child protection matters
- ensure the governing body/proprietor undertakes an annual review of

safeguarding policies and procedures that includes consideration of how its responsibilities have been discharged
- ensure the governing body reviews the school or college policies and procedures annually
- maintain contact with the statutory authorities in relation to child protection staff disciplinary cases as set out in Welsh Government guidance *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies* (see gov.wales/disciplinary-and-dismissal-procedures-school-staff).

2.10 While governing bodies have a role in exercising their disciplinary functions in respect of child protection allegations against a member of staff, they do not have a role in the consideration of individual cases, which will be investigated under arrangements set out in *Safeguarding children in education: handling allegations of abuse against teachers and other staff* (see gov.wales/handling-allegations-abuse-against-teachers-and-staff).

2.11 All members of governing bodies **should** undertake relevant safeguarding and child protection training within the first term of starting the role. This ensures they have the knowledge and information needed to perform their functions and understand their wider safeguarding responsibilities. Members of the governing body should complete, as a minimum, the *Keeping learners safe* modules (see hwb.gov.wales/search?query=keeping+learners+safe). These support all staff in education settings to understand their safeguarding responsibilities as set out in this guidance. There are five separate modules available on Hwb.

Responsibilities of headteachers/principals/education setting leader

2.12 Headteachers and principals of all schools and colleges **should** foster a nurturing culture within the school or college and promote open communication between staff and pupils on safeguarding matters.

2.13 They **must** ensure all staff (including supply teachers and volunteers):

- fully implement and follow the safeguarding policies and procedures adopted by the governing body or proprietor
- have both time and access to sufficient resources to enable them to discharge their responsibilities, including taking part in strategy discussions and other inter-agency meetings as well as contributing to the assessment of children
- understand the procedures for safeguarding children, feel able to raise concerns about poor or unsafe practice, and be confident that such concerns will be addressed sensitively and effectively in a timely manner in accordance with Welsh Government's *Procedures for Whistleblowing in Schools and Model Policy* (see gov.wales/whistleblowing-schools-guidance-governors)
- as part of their induction, are given a written statement about the school or college policy and procedures and the name and contact details of the DSP.

2.14 The headteacher/principal **must** appoint the appropriate number of DSPs and deputy DSPs for their education setting and **should** ensure the DSP:

- is given sufficient time and resources to carry out the role effectively, which should be explicitly defined in the postholder's job description
- has access to the required levels of training and support to undertake the role, including online safety training
- has time to attend and provide reports and advice to case conferences and other inter-agency meetings as require
- has the appropriate IT equipment to carry out the role effectively.

Role and responsibilities of the DSP

2.15 Each education setting **must** identify a DSP with lead responsibility for managing all safeguarding concerns. The DSP must be available to discuss safeguarding concerns; should be consulted, when possible, as to whether to raise a safeguarding concern with the local authority; and will manage any immediate actions required to ensure the individual at risk is safe from abuse. All practitioners should know who to contact in their education setting for advice and they should not hesitate to discuss their concerns no matter how insignificant they may appear.

2.16 The DSP need not be a teacher, but **must** be a senior member of the school or college leadership team with the status and authority within the organisation to carry out the duties of the post, including committing resources to safeguarding matters and directing other staff. The DSP could also be a single appointment within the senior team and need not carry other duties.

2.17 Each DSP **should** have at least one deputy who has equal status and access to the same training. The number of deputies will depend on the education setting, and should reflect the proportion of work involved and the size and scale of the education setting. Larger education settings should have a team of staff working together and split-site education settings should have a DSP available on each site.

2.18 The DSP should possess the necessary skills and qualities for the role, which will have a strong focus on communication with learners and professionals. This can be a demanding role and will require a level of expertise, knowledge, resources and support.

2.19 Handling individual cases may be a responsibility delegated to other members of staff, but it is important that a senior member of staff take overall responsibility for this area of work. The DSP should always be kept informed of the progress and the outcome of all cases. All staff taking on these responsibilities should be fully trained and skilled in their responsibilities.

2.20 In education settings with a high number of safeguarding concerns, consideration should be given to appointing a full-time DSP with relevant skills and experience. An alternative arrangement might involve the delegation of

day-to-day responsibilities while the DSP retains overall responsibility, as described above.

2.21 The DSP **should** have adequate support and supervision to undertake their role effectively. The supervision should support the DSP with the emotional impact of their role and provide an opportunity for reflection on their practice. This could be done on an individual or group basis but the DSP should be provided with an opportunity for individual support where necessary.

2.22 The DSP **must** know how to recognise and identify the signs of abuse, neglect and other types of harm, irrespective of whether it is online or offline, and know when it is appropriate to make a report to the local authority (or police where the child/children are in immediate danger).

2.23 The DSP role involves providing advice and support to other staff, record-keeping, working with family members or carers, making referrals to children's services and attending statutory meetings, as well as liaising with the SCB and working with other agencies as necessary. The DSP role is not to investigate allegations, but they **must** keep the headteacher/principal informed of all safeguarding concerns raised in the school or college.

2.24 The DSP **should** also consider how safeguarding more widely can be addressed and ensure preventative measures are adopted in the education setting. This part of the role will include building relationships with other agencies, as well as ensuring staff and learners are informed about risks and how to access support. This will form part of the whole-school (setting) approach and learning through the new curriculum.

2.25 The DSP will take responsibility for the education setting's safeguarding and child protection practice, policy, procedures and professional development, working with other agencies as necessary. The DSP **should** ensure the education setting's safeguarding policy is updated and reviewed annually, and work with the governing body or proprietor regarding this.

2.26 The DSP is responsible for ensuring that parents/carers see copies of the child safeguarding policy. This may help avoid the potential for later conflict by alerting them to the role of the education setting and the fact that reports may be made to the local authority where there are safeguarding concerns. Many education settings include information about this at induction meetings for new parents/carers, in their prospectus and on their website.

2.27 As well as the education setting's safeguarding policy, there are other policies that have relevance to safeguarding, and the DSP may be involved in monitoring the effectiveness of these other policies to ensure there is consistency and coherence in the way the school effectively safeguards their children. Examples of other relevant policies include the following.

Attendance	Intimate care	Recruitment and selection
Anti-bullying	Physical intervention	Confidentiality
Online safety	Preventing radicalisation	ITE Partnership agreements
Behaviour	EWC staff code of conduct	

2.28 The DSP **should** ensure the education setting completes the Safeguarding Audit Tool at Annex 3 to support a whole-setting approach to safeguarding, as well as to provide a benchmark against which to seek to continually improve safeguarding approaches and structures. The audit tool should be regularly reviewed to ensure that there is constant reflection, learning and updating of processes within the education setting.

2.29 The principles outlined in paragraphs 2.15–2.29 should be adopted as **effective practice** in all education settings.

Responsibilities of ITE Partnerships

2.30 On entry to accredited ITE programmes ITE Partnerships **must:**

- be satisfied that prospective student teachers have been vetted to ensure they don't have a criminal background that might prevent them working with children or vulnerable young people, or as an education practitioner
- ensure that student teachers have not previously been barred or excluded from teaching or working with learners.

2.31 ITE programmes **must**:

- provide clarity to student teachers around safeguarding and whistleblowing
- include within ITE programmes core studies that include the legal responsibilities of teachers and safeguarding.

2.32 ITE Partnerships **should**:

- ensure support for the well-being of their aspiring teachers by developing effective approaches to safeguarding
- ensure their student teachers are familiar with the Equality Act 2010, particularly aspects of it such as curriculum delivery.

Safeguarding training

2.33 The DSP must have regular training in safeguarding to meet the requirements of the role. This will require a higher level of training than for other staff in education settings, and will include more specialist training in different types of abuse as well as the skills required to respond so the DSP has a good understanding of current issues and skills.

2.34 It is the role of the DSP, working with the headteacher/principal, to ensure all staff and volunteers:

- have access to and understand the education setting's safeguarding policy, especially new or part-time staff who may work with different education settings
- have induction and refresher training covering safeguarding
- understand the causes of abuse, neglect and other kinds of harm
- understand the different types of abuse
- are able to recognise the signs and indicators of abuse, neglect and other kinds of harm
- know how to respond effectively when they have concerns
- know how to respond to a disclosure appropriately
- know how to communicate effectively with children and young people, including using skills such as empathy
- know that they have a responsibility to report any concerns immediately as they arise.

2.35 The DSP **must** keep a record of all staff training, including the dates, details of the provider and a record of staff attendance.

2.36 All staff **should** attend refresher training preferably within two years, but should not exceed three years between training; due to the changing nature of online safety it is recommended that this be renewed regularly.

2.37 The *Keeping learners safe* modules (see hwb.gov.wales/news/articles/cbf2c7f8-6336-491f-b046-259c178a2b4d) support all staff in education settings to understand their safeguarding responsibilities as set out in this guidance. There are five separate modules available on Hwb[14], with two focusing on online safety issues. The DSP or a headteacher/principal can assign the modules to other members of staff to help them monitor the progress of staff. The *Keeping learners safe modules* guidance (see hwb.gov.wales/search?query=Keeping%20Learners%20Safe&strict=true&popuUri=%2FResource%2F65cf3917-fe44-4f34-9dfd-ff7eba11e6f6) provides advice to DSPs and headteachers/principals on how to use and assign these modules.

2.38 All governors, including the chair of governors, **should** be given access to safeguarding and child protection training to ensure a basic and consistent level of awareness. This training includes, but is not limited to, the *Keeping learners safe* modules (see hwb.gov.wales/news/articles/cbf2c7f8-6336-491f-b046-259c178a2b4d). Governing bodies are responsible for ensuring the education setting policies and procedures for safeguarding meet statutory requirements, and all governors should know what to do if they have concerns about a child.

---

[14] These modules will be updated following the publication of the revised *Keeping learners safe* guidance.

2.39 Teachers **should** receive training in safeguarding as part of the ITE programmes leading to Qualified Teacher Status (QTS), but this will need to be reinforced by further training, or refresher training, when they are first appointed. The QTS Standards are a set of outcome statements that trainee teachers have to meet which are linked to other publications and statutory requirements as appropriate.

2.40 Trainees are also required to demonstrate professionalism to ensure that relationships with learners are built on mutual trust and respect, and to recognise that this will help maximise their learning potential. Trainees are expected to evidence this standard by being able to demonstrate knowledge and awareness of the rights and entitlements of all learners, as laid out in the UNCRC and key Welsh Government policies.

2.41 The criteria for accreditation of initial teacher education programmes in Wales sets out what accredited ITE programmes must do regarding safeguarding children in education.

Multi-agency training

2.42 Individual agencies are responsible for ensuring that staff have the competence and confidence to carry out their responsibilities for safeguarding and promoting children's well-being. The SCB are able to provide advice on the minimum levels of training required by staff to ensure they are able to comply with locally agreed procedures.

2.43 The purpose of multi-agency training is to achieve better outcomes for children including:

- a shared understanding of the tasks, processes, principles, and roles and responsibilities outlined in national guidance and local arrangements for safeguarding children and promoting their well-being
- more effective and integrated services at both the strategic and individual case level
- improved communications between professionals including a common understanding of key terms, definitions, and thresholds for action
- effective working relationships, including an ability to work in multidisciplinary groups or teams
- sound decision-making based on information-sharing, thorough assessment, critical analysis, and professional judgement.

2.44 The DSP **should** receive prompt training in inter-agency procedures that enables them to work in partnership with other agencies, and gives them the knowledge and skills needed to fulfil their responsibilities. They should also undertake refresher training to keep their knowledge and skills up to date.

3. Responding to concerns that a child is at risk

3.1 Everyone working in an education setting should safeguard children's well-being and maintain public confidence as part of their professional duties. Each member of staff is integral to the success of the support system around our most vulnerable children and families. This will lead to improved life chances, better quality of life and a brighter future for children and young people.

3.2 All staff have a responsibility to provide a safe environment and to identify children who are suffering, or are at risk of suffering, abuse, neglect or harm irrespective of where this happens (online or offline, on or off the education setting premises). All staff then have a responsibility to take appropriate action, working with other services as needed. In addition to working with the DSP, staff members should be aware that they might be asked to support social workers to take decisions about individual children.

3.3 Early identification and intervention are key to meeting the needs of children by preventing or delaying circumstances that might lead to social services' intervention. This includes the identification of ACEs and action to prevent or mitigate them, or supporting the child to build resilience. Building resilience in children and young people is central to the whole-school (setting) approach to emotional and mental well-being. Most of the problems children and young people encounter are not a result of mental illness, and do not reach thresholds for specialist services. Addressing low-level well-being problems early can stop issues escalating. Therefore, prevention, identification and early intervention are key, and equipping teachers and other school staff with the necessary knowledge to identify problems, together with support in the form of consultation, liaison and advice from more specialist services is key to the whole-school (setting) approach.

3.4 Everyone in the education system who comes into contact with children and their families has a role to play in safeguarding children, as they are in a position to identify concerns early and provide help for children to prevent issues from escalating. Staff form part of the wider safeguarding system for children[15]. Education settings should work with local authorities, the police, health services and other services to promote the well-being of children and protect them from harm.

3.5 Education settings should consider how they could build relationships with other services to ensure early referrals and offers of support to children and families are made before their needs escalate. Clear referral and response pathways **should** be developed and agreed on a multi-agency basis with local agencies. Support could include ensuring information is available to children and families so they can contact other services directly; in some circumstances

---

[15] *Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People* (see gov.wales/safeguarding-guidance) is a compendium of statutory guidance issued under Part 7 of 2014 Act.

they will benefit from conversations in the education setting and the education setting making contact on their behalf. All agencies should practice a 'no wrong door' approach so children and families who need help can access it easily. The DSP should provide support to staff members to carry out their safeguarding duties and liaise closely with other services such as children's social care and family support services.

3.6 The Wales Safeguarding Procedures (as set out in section 1) provide common standards to guide safeguarding and child protection practice and a framework within which individual reports of a child at risk, actions, decisions and plans are made and carried out. They are an integral part of the framework for safeguarding and promoting the well-being of children. The DSP should ensure that everyone working in the education setting is aware of the Wales Safeguarding Procedures and knows how to access a copy of the procedures.

3.7 Local authority counselling services also have a role to play in safeguarding children. Local authorities are required, under the School Standards and Organisation (Wales) Act 2013 (see www.legislation.gov.uk/anaw/2013/1/contents), to make reasonable provision of counselling services for all children aged between 11 and 18 in their area and pupils in Year 6 of primary school. Counsellors are in a position to determine whether there are any child protection concerns that require onward report. Counselling services are key whole-school (setting) approach partners. They see around 11,500 children and young people a year, many of whom complete counselling without need for referral to more specialist services. When referral is required, counselling services are able to facilitate the referral in a timely fashion.

Required information for staff in education settings

3.8 All those working in education settings **should** be aware of their responsibilities in identifying children at risk and contribute to the safeguarding culture of the education setting in which they work. All policies and procedures **must** be shared and explained as part of the staff induction process. This includes the safeguarding policy and the staff behaviour policy. During induction, staff **must** also be made aware of the role of the DSP, and of how to raise concerns with the DSP. All staff members **must** also receive appropriate and regularly updated safeguarding training. Education settings **must** ensure staff and learners have clear information about their DSP and how the DSP can be contacted; this could be done through posters placed clearly throughout the education setting.

Signs that education setting staff should look out for

3.9 All staff members **should** be aware of the signs of abuse, neglect and other kinds of harm. Signs can be physical but are often more subtle such as a change in behaviour or becoming withdrawn. Small signs can be part of a pattern so it is important that staff do not dismiss anything as not being relevant or big enough. If all staff mention changes or observations to the DSP they can build a picture that might otherwise go unnoticed.

3.10 Staff should be aware that abuse, neglect and harm can affect anyone and knowing what to look for is vital to early identification. Staff should **always** speak to the DSP in the first instance to discuss their concerns, but it is important to remember that anyone can contact the local authority children's social services to raise a concern at any time. Where a concern about the well-being of a child is identified staff members should always act in the best interests of the child.

Appropriate response from education setting staff with safeguarding concerns

3.11 A child, parent, carer, relative or member of the public who expresses concerns about a child's well-being to anyone working in the education setting must never simply be asked to make a direct report to social services or the police. These concerns should be shared with the DSP. If the individual wishes to make a report, this report should not change the actions of the DSP; a report must still be made by the DSP if it is felt that the child is at risk.

Seeking advice on concerns

3.12 Suspicion about a child being at risk may take the form of concerns rather than known facts. Concerns about a child at risk can arise in many different contexts, including when a child is already known to social services. It is important that these concerns are logged, recorded and appropriately monitored by the member of staff and/or the DSP. This ensures that a coherent picture exists of the likelihood of abuse, neglect and other kinds of harm and provides support for a report to social services and any subsequent action.

3.13 Every education setting **must** have a suitable system in place to support effective data collection of children suspected to be at risk. There are a number of software packages to support schools to collect data internally about safeguarding concerns relating to children. These packages can support staff to log concerns and the DSP to identify patterns of abuse, neglect, or other kinds of harm.

3.14 Where a staff member has concerns but would like further advice on these concerns they **should** have a discussion with the DSP.

3.15 Concerns **must** be shared with social services through a report, supported by the DSP. The DSP can advise on and manage the process. Whether the actual making of the report is done by the DSP or the staff member will depend on the arrangements in place at the individual education setting. While concerns will not necessarily trigger an investigation, they will help to build up a picture and can be taken alongside concerns from other sources. In cases where children's social services are not able to investigate the case or do not consider an investigation appropriate in the circumstances, they should nevertheless consider other support for the child and/or child's family, such as a referral to early intervention services.

3.16 Accurate, concise and clear record-keeping in straightforward language is an essential part of an individual employee and professional's accountability, and underpins good child protection practice. All agencies involved in safeguarding and promoting the well-being of children must have policies and procedures specifying arrangements for the retention, storage and destruction of electronic and paper case records. The policies should ensure that case records are stored safely and able to be retrieved as required.

Investigations

3.17 Education settings **must not** undertake their own internal child protection enquiries, but report their concerns to the local authority or to the police. If the concern involves a member of staff, agencies must not make their own internal decisions about whether it is a disciplinary issue or a child protection matter. Agencies **should** be mindful that the police have statutory powers and responsibility for determining whether a criminal investigation is to be undertaken.

Listening to the child

3.18 Children will talk about their concerns and problems with people they feel they can trust and are comfortable with. This will not necessarily be a teacher or the DSP, but could be any member of staff within the education setting. It is therefore essential that all staff and volunteers know how to respond sensitively to a child's concerns, who to approach for advice, and the importance of not guaranteeing complete confidentiality.

3.19 All those working in an education setting **should** ensure that the active offer principle of the use of the Welsh language is embedded in practice. The child should be asked which language they would prefer at the beginning of the process. This will ensure they are effectively able to articulate their concerns and able to receive services in their own language throughout the process.

3.20 Consideration should also be given to other language and cultural needs as talking about sensitive subjects in a second language can make the experience more traumatic. Having an understanding of cultural differences will also help the situation. Each local authority can provide advice to education settings on language support to children who do not have English or Welsh as their home language.

3.21 The way in which a member of staff talks to a child who discloses abuse could have an effect on the evidence that is put forward. If a child makes a disclosure to a member of staff, the staff member **must** write a record of the conversation as soon as possible, distinguishing clearly between fact, observation, allegation and opinion, noting any action taken in cases of possible abuse or neglect, and signing and dating the note.

3.22 Children want to know they will be listened to and their concerns will be taken seriously. All education settings **must** reassure and inform children there is a safe environment to talk about matters that affect them; this may be at the

education setting or with another appropriate agency. Displaying information of national children's helplines (e.g. Children's Commissioner for Wales at www.childcomwales.org.uk/, Childline at www.childline.org.uk/, Meic at www.meiccymru.org/, NSPCC at www.nspcc.org.uk/) and peer support schemes, in visible and easily accessible places, such as pupils' year planners, can encourage them to share concerns and receive help. These posters provide support to children to speak out when they have a concern: advice for primary school children and advice for secondary children (see hwb.gov.wales/repository/discovery/resource/4d70707b-5636-466b-b22c-40eccae431be/en). All education settings should display these posters on their premises in clear view of children as **effective practice**.

3.23 The NSPCC has developed a safeguarding resource, *Let children know you're listening: the importance of an adult's interpersonal skills in helping to improve a child's experience of disclosure* (see https://learning.nspcc.org.uk/research-resources/2019/let-children-know-you-re-listening), to provide support to those working with children on how to:

- demonstrate you are listening to a child who is disclosing
- reassure a child and show empathy
- put a child in charge of the conversation.

3.24 All those working in education settings **should** understand that children with additional learning needs might be at increased risk of abuse, neglect and harm, compared to their peers. They **should** understand the barriers they may face (especially around communication), and be able to provide any additional safeguards needed to protect them.

3.25 Those working in education settings **should** familiarise themselves with the culture and beliefs of families within their community. Potential harmful practices should never be overlooked on the basis of cultural sensitivity and staff should familiarise themselves with practices such as female genital mutilation (FGM) and forced marriage.

3.26 Everyone working in education services **should** be alert to the child's wider circumstances. Children in placements or those who are adopted will have relationships that may include foster carers, adoptive parents, birth parents, siblings or other birth relatives. These relationships may be positive and welcomed or may be undesired and deemed a risk. Children's past experience of abuse and neglect may also make them more vulnerable to emotional, behavioural and mental health difficulties, which may continue to place them at risk. Staff should be alert to the effects of childhood trauma and the risks associated.

Parent or carer involvement

3.27 All parents and carers need to understand that education settings have a duty to safeguard and promote the well-being of children. This responsibility requires

education settings to share information where it is necessary and work in partnership with other agencies when there are concerns about a child's well-being. It is considered **effective practice** to include a reference to this in the education setting's prospectus, on its website and in other information provided to parents and carers as well as to children.

3.28 Those working in education settings **should** discuss any concerns about a child's well-being with the family and, where possible, seek their agreement to make a report to social services. However, this should only be done where it will not place a child at further risk. Where possible and appropriate, the child's views should also be considered when deciding whether to inform the family; staff should also consider whether the child is sufficiently mature to make informed judgements about the issues.

3.29 Where there are any doubts or reservations about involving the child's family, the DSP should clarify with the statutory agencies whether, and if so when and by whom, the parents or carers should be told about the report. That may also be important in cases where the police may need to conduct a criminal investigation.

3.30 Where appropriate, the DSP should help parents/carers to understand that a report is made in the best interests of the child and explain what the possible outcomes of a report might be.

Reporting a child at risk

3.31 The 2014 Act places a duty to report[16] on local authorities and relevant partners where they have reasonable cause to suspect that a child is at risk. Partners **must** inform the local authority where they have reasonable cause to believe a child to be at risk. Section 130(4) of the 2014 Act defines a child at risk as a child who:

- is experiencing or is at risk of abuse, neglect or other kinds of harm, and
- has needs for care and support (whether or not the [local] authority is meeting any of those needs).

3.32 The duty is placed on relevant partners where a child may be at risk. Partners including education, health, police, probation and youth offending teams are required to inform the local authority if they believe a child is at risk.

3.33 Anyone working in an education setting and employed by a local authority, local health board or trust, police or probation service **must** report to the local authority where there is reasonable cause to believe a child to be at risk of abuse, neglect or other kind of harm. This will usually be done through the DSP but the safety of the child must be the priority so there may be occasions when staff will need to contact directly where there is an immediate concern.

---

[16] Section 130, under Part 7 of the Social Services and Well-being (Wales) Act 2014: www.legislation.gov.uk/anaw/2014/4/section/130

3.34 All other staff working in education settings who are not employed by the local authority, or any of the other organisations as set out above, should take account of the Wales Safeguarding Procedures, which sets out the duty to report should be considered as **effective practice**.

3.35 When a child has been reported under section 130 of the 2014 Act, the local authority **must** consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

3.36 The DSP **should** act as a point of contact and a source of support, advice and expertise for schools and colleges when deciding whether to make a report to the local authority. The DSP **should** also take a lead in liaising with relevant agencies unless there are immediate concerns and staff should make contact directly.

3.37 Where the DSP has reasonable cause to suspect that a child attending the education setting is at risk, a report **must** be made to the local authority as soon as possible. *Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk* (see gov.wales/safeguarding-children-risk-abuse-or-neglect))provides additional information on making the report. However, if there are immediate concerns about a child's safety or concerns a criminal offence against a child might have been committed, the DSP **must** contact the emergency services without delay to protect the child/children from the risk of serious harm.

3.38 Where the concerns relate to cases of suspected abuse or allegations of abuse against staff, guidance is available in *Safeguarding children in education: handling allegations of abuse against teachers and other staff* (gov.wales/handling-allegations-abuse-against-teachers-and-staff), and the process is set out in the *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies* (see gov.wales/disciplinary-and-dismissal-procedures-school-staff).

Specific action to take should an education setting have concerns about a child

3.39 Where staff members have concerns that a child is at risk of abuse, neglect or other harm they **must** raise these with the DSP. The DSP **must** then decide whether it is appropriate to make a report to social services and/or the police. It is important to note any staff member can also report concerns to local authority social services or to the police directly; however, liaison with the DSP is advisable in all cases where possible.

3.40 Concerns **should** always lead to help and support, either through a report to social services, or direct support through the education setting or other service such as family support services. The DSP **should** share the following information with the staff member making the report and the headteacher or principle:

- proposed initial action, including signposting or that no further action will be taken
- who will be taking action.

3.41 If there are immediate concerns about a child's safety or a criminal offence against a child is suspected, the emergency services **must** be contacted without delay to protect the child/children from risk of serious harm.

3.42 Staff members **must** also be aware of wider safeguarding concerns and report these to the DSP. These include circumstances as outlined in sections 5, 6, 7 and 8 of this guidance.

Reporting

3.43 As outlined above, a report that a child may be at risk online or offline **must** be made to social services as soon as a concern is identified; this must be within 24 hours. Outside of office hours, reports **must** be made to social services' emergency duty service or to the police.

3.44 Where a report is made in person or by telephone, it **must** be confirmed in writing within 24 hours.

3.45 Where available the report **should** be made using a standard form in place for the relevant local authority or region. The report **must** include basic/core information, the cause for concern and any relevant information held by the agency.

3.46 Anyone working in an education setting should be aware that they cannot remain anonymous should they make a report.

Engaging in the child protection process

3.47 Any member of staff making a report may be asked to complete some, or all, of the following tasks. The education setting **should** ensure that staff have sufficient time and other necessary resources to discharge these tasks effectively and staff should be prepared and willing to:

- assist in the child protection enquiries under section 47 of the Children's Act 1989 (see www.legislation.gov.uk/ukpga/1989/41/section/47)
- attend the child protection conference
- provide a written report for the child protection conference
- contribute to the initial and core assessments
- attend core group meetings.

3.48 Where a child is the subject of a care and support protection plan, the DSP should be involved in the preparation of the plan. The education setting's role and responsibilities in contributing to actions to safeguard the child, and promoting their well-being, should be clearly identified.

Information-sharing

3.49 The DSP should use judgement when making decisions about what information to share, and should follow organisational procedures. The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child. There are a number of principles that can assist practitioners in making decisions about sharing information. These principles are set out in *Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People* (see gov.wales/safeguarding-guidance) and its accompanying resources, which provide non-statutory advice on information-sharing to safeguard children (see gov.wales/sharing-information-safeguard-children). This guidance and resource provides step-by-step advice to practitioners across agencies so that proportionate information-sharing can support good safeguarding practice. The guidance also provides advice on the Wales Accord on the Sharing of Personal Information (WASPI) framework (see www.waspi.org/home) and duties under the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

3.50 To safeguard and promote children's well-being, the SCB should ensure that its partner agencies have in place arrangements to ensure:

- all staff in contact with children understand what to do and the most effective ways of sharing information if they believe that a child and family may require additional services in order to achieve their optimal outcomes
- all staff in contact with children understand what to do and when to share information if they believe that a child may be suffering or at risk of suffering abuse, neglect or other kinds of harm
- appropriate organisation-specific guidance is produced to complement guidance issued by the Welsh Government, and such guidance and appropriate training is made available to existing and new staff as part of their induction
- guidance and training specifically covers the sharing of information between professions, organisations and agencies, as well as within them
- arrangements for training take into account the value of multi-agency training as well as single-agency training
- managers in children's services are conversant with the legal framework and good practice guidance issued for practitioners working with children.

Duty of confidentiality

3.51 The duty of confidentiality is not absolute and may be breached where this is in the best interests of the child and in the wider public interest. If professionals judge that disclosure is necessary to protect the child or other children from a risk of serious harm, confidentiality may be breached.

3.52 Where those in education settings judge that there is a need to share confidential information with children's social services or the police:

- they should attempt to support the child, where the child is the source of the information, to agree to a disclosure of information within a reasonable timescale
- they may initially discuss the case anonymously with others, such as the DSP or another colleague with suitable competence in safeguarding or with children's social services
- the child should be informed of the professional's need to share confidential information, unless to do so might put them at further risk
- any decision to share information or not should be properly documented.

3.53 Decisions in this area may need to be made by, or with the advice of, people with suitable safeguarding competence, such as named or designated professionals.

Record-keeping and information-sharing

3.54 Information-sharing is central to good safeguarding practice. Information must be shared in accordance with the GDPR and the Data Protection Act 2018, referred to as the UK's data protection legislation. The data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. One of the exceptional circumstances that provides for information-sharing is to prevent abuse, neglect or harm.

3.55 In education settings, it is the responsibility of the DSP to keep detailed, accurate and secure written records of children where there are safeguarding concerns. These records are confidential and should be kept separately from other learner records. They should include a chronology of concerns, reports, meetings, phone calls and emails. There are a number of software packages to support education settings to collect data about safeguarding concerns relating to children at risk.

3.56 Where a child leaves an education setting, the DSP **must** ensure that any child protection records are copied to the new education setting as soon as possible, but transferred separately from the main learner file. This will ensure the new education setting is alert to any risks to the child so they can support them as appropriate. Effective communication between DSPs in both education settings will be important to ensure the child is not at risk during the transition phase.

3.57 The Welsh Government has produced non-statutory advice to practitioners working across agencies about their responsibilities to share information to safeguard children. The guidance (see gov.wales/sharing-information-safeguard-children) provides clarity of the conditions under which information may be shared.

3.58 All those working in an education setting **should** be aware of their responsibilities under the UK's data protection legislation. Every maintained school and college in the UK is required to appoint a data protection officer (DPO).

3.59 A series of five guides to the data protection laws for senior leaders and DPOs

in schools and colleges are available on Hwb (see hwb.gov.wales/repository/discovery/resource/47196b0e-5c4b-496a-b3aa-91bfdac26ab9/en). They aim to provide clear and accurate information about the obligations and requirements of schools and colleges in relation to the changes in GDPR. These resources were developed by South West Grid for Learning (SWGfL), in collaboration with the Information Commissioner's Office, as part of the online safety education and awareness programme funded by the Welsh Government.

3.60 It is **effective practice** for the DSP to provide an annual briefing and regular updates at staff meetings on any safeguarding and/or child protection issues or changes in local procedures. This ensures that all staff are kept up to date and are regularly reminded of their responsibilities as well as the school's policies and procedures. Many schools and colleges find it helpful to discuss safeguarding regularly at staff meetings so that awareness remains high.

3.61 The DSP **should** liaise with the designated governor for safeguarding so that the designated governor can report on safeguarding issues, irrespective of whether the issue is online or offline, to the governing body. Reports to the governing body should not be about specific child protection cases, but should review the safeguarding policies and procedures. It is good practice for the nominated governor and the DSP to present the report together.

4. Specific responsibilities of different education settings

Responsibilities of colleges

4.1 The statutory responsibilities for safeguarding and child protection dealt with in this guidance apply in relation to children who are under 18 years of age. However, colleges and school sixth forms should also be aware that the 2014 Act extends the duty to report[17] on local authorities to relevant partners where they have reasonable cause to suspect that an adult is at risk. Partners including education, health, police, probation and youth offending teams are required to inform the local authority if they believe an adult is at risk.

4.2 As autonomous bodies, colleges cannot rely automatically on local authorities to provide advice, support, access to training, policies and procedures, etc. Local authorities are free to provide those services to colleges, but have no obligation to do so. Services can be provided free of charge. Colleges that do not purchase services from a local authority can approach the SCB for advice, or the Safeguarding Adults Board in the case of those over the age of 18.

4.3 Where a college provides education and/or training for those under 16 years of age who are on the roll of secondary schools, the DSP **should** liaise with the colleges concerned to ensure that appropriate arrangements are in place to safeguard the learner.

4.4 In the post-16 sector, the Learning and Skills Act (2000) requires the Chief Inspector to report on the quality of the education and training provided, the standards achieved by those receiving education and training and whether the financial resources made available to those providing education and training are managed efficiently and used to provide value for money. As part of the inspection, inspectors will evaluate and report on the college's arrangements for safeguarding learners. Where education has boarding provision or is linked to a residential setting, Estyn inspectors will liaise with CIW to ensure that the provision contributes to boarders' or residents' needs in relation to their safety.

Responsibilities of independent schools

4.5 The Welsh Ministers are the registrar of independent schools in Wales. Any establishment wishing to operate as an independent school must apply to the Welsh Ministers for registration in accordance with section 160 of the 2002 Act (see www.legislation.gov.uk/ukpga/2002/32/section/160). It is an offence under section 159 for any person to conduct an independent school that is not registered.

4.6 The Independent Schools Standards (Wales) Regulations 2003 (see www.legislation.gov.uk/wsi/2003/3234/introduction/made) set out the standards to which an independent school will be inspected under sections 160(4) and

---

[17] Section 126, under Part 7 of the Social Services and Well-being (Wales) Act 2014: www.legislation.gov.uk/anaw/2014/4/section/126

WLGA000005_0036

163(2) of the 2002 Act. Standard 3 (see www.legislation.gov.uk/wsi/2003/3234/schedule/paragraph/3/made) is specific to safeguarding and promoting the well-being, health and safety of children who are attending the school. Where an application for registration is received the Welsh Ministers will notify Estyn, who will carry out an inspection of the school and report to Welsh Ministers on the extent to which the Independent Schools Standards are met. The Welsh Ministers will take into account Estyn's report and any other evidence relating to the Independent Schools Standards in order to determine whether standards are met and when notifying the proprietor of its conclusion.

4.7 Proprietors of independent schools have similar responsibilities to those of governing bodies of maintained schools but cannot rely on local authorities to provide advice and support in the same way as they do for maintained schools. Local authorities are able to provide these services to independent schools, and many do, charging appropriate fees for the work. However, they have no obligation to provide these services. As with colleges, independent schools that do not purchase services from a local authority can approach the SCB for advice.

4.8 It is important that channels of communication between independent schools, local authority social services departments and SCBs are upheld and developed, so that children requiring support receive prompt attention and any allegations of abuse can be properly investigated. In cases where the proprietor is not the headteacher, the proprietor should liaise with other agencies in the event that allegations are made involving the headteacher. Where the headteacher is also the proprietor, specific arrangements should be agreed with the SCB.

4.9 Independent schools that provide medical and/or nursing care should ensure that their medical and nursing staff engage with and access appropriate advice and multi-agency training on child protection.

Responsibilities of independent schools offering boarding provision

4.10 Proprietors of independent schools who provide accommodation for children will be aware that such establishments are required to register with both the Welsh Government and the CIW. Such independent schools are then subject to inspection by Estyn and CIW. CIW has published guidance on the *National Minimum Standards for Residential Special Schools* and the National Minimum Standards for Mainstream Boarding Schools (see https://careinspectorate.wales/regulations-statutory-guidance-and-national-minimum-standards-adult-children-services) to be met as part of independent schools' initial and continued registration.

4.11 As with other independent schools, the Independent Schools Standards (Wales) Regulations 2003 (see www.legislation.gov.uk/wsi/2003/3234/introduction/made) set out standards to

safeguard and promote the welfare of children for whom accommodation is provided by a boarding school. These standards are used to assess whether the school is complying with its legal obligation to safeguard and promote the well-being of the children for whom accommodation is provided.

Responsibilities of local authorities and school governing bodies for education provided outside of a maintained school setting

4.12 Section 19(1) of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education at schools or otherwise for children of compulsory school age who for whatever reason – whether due to illness, exclusion from school or otherwise – may not for any period receive suitable education unless suitable arrangements are made for them.

4.13 When making education otherwise than at school (EOTAS) arrangements, including provision commissioned from external providers, the local authority **must** ensure this is exercised with a view to safeguarding and promoting the well-being of the children placed in EOTAS provision.

4.14 The 2002 Act and the Education and Skills Measure 2009 provide governing bodies with the power to commission external services, including educational services.

4.15 To assure themselves they are fulfilling their duties, local authorities and governing bodies **must** be assured the provision commissioned, or otherwise, is undertaken in a way that safeguards the children they place there and promotes their well-being. Such assurances **must** be undertaken both prior to placing a child and throughout the placement period.

4.16 Prior to placing a child with external providers, local authorities and governing bodies **should** assure themselves by:

- undertaking visits to the placement setting
- ensuring the provider is registered with the Welsh Government (where registration is required as an independent school or would be required if the local authority places a child/children there)
- considering the findings of Estyn inspections
- requiring evidence of how the provider will safeguard the child and promote their well-being through, for example, consideration of the provider's policies including health and safety, anti-bullying and safeguarding policies
- requiring evidence of the provider's arrangements for safeguarding learners (including ensuring staff have appropriate and current checks such as DBS checks)
- requiring evidence of the ability to accommodate learners who have an additional learning need.

4.17 During the placement, schools and local authorities **should** monitor whether or not the arrangements are effective. This **should** include visiting the placement setting.

4.18 Further information on EOTAS is available in the Welsh Government's *Education otherwise than at school (EOTAS) Framework for Action* (see gov.wales/education-otherwise-school-eotas-framework-action) guidance.

Responsibilities of work based learning providers

4.19 In the post-16 sector, the Learning and Skills Act (2000) requires Her Majesty's Chief Inspector to report on:

- the quality of the education and training provided
- the standards achieved by those receiving education and training
- the quality of leadership and management, including whether the financial resources made available to those providing education and training are managed efficiently and used to provide value for money.

4.20 A work-based learning[18] provider's safeguarding arrangements **should** seek to ensure that all learners are in a safe environment, including learners learning with sub-contractors and/or consortium members. Such arrangements should include:

- the identification of learners aged under 18 who are at risk of abuse, neglect or harm
- recruitment practices that reflect the obligation to safeguard young people
- that work experience opportunities provided are subject to consideration of appropriate guidance on safeguarding
- a designated safeguarding lead officer
- training and support for all staff on safeguarding and child protection matters
- ensuring that appropriate arrangements for child protection are clearly documented and are reviewed at least annually.

Responsibilities of community-focused schools, pre- and post-school activity providers and out of hours learning providers

4.21 The governing body of a school controls the use of the school premises both during and outside school hours, except where either a trust deed allows a person other than the governing body to control the use of the premises or a transfer of control agreement has been made. Governing bodies can enter into transfer of control agreements in order to share control of the school premises with another body, or transfer control to it. The other body, known as the "controlling body", will control the occupation and use of the premises during the times specified in the agreement. Transferring control of the premises to local community groups, sports associations and service providers can enable school facilities to be used without needing ongoing management or administrative time from school staff; this is often the case in examples of

[18] See glossary for definition of 'work-based learning'.

WLGA000005_0039

community-focused schools.

4.22 Where the governing body provides services or activities directly under the supervision or management of school staff, the school's arrangements for safeguarding will apply. Where services or activities are provided separately by another body the governing body must confirm that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection, and that there are arrangements to liaise with the school on these matters where appropriate.

Responsibilities of funded non-maintained settings

4.23 The *National Minimum Standards for Regulated Childcare for children up to the age of 12 years* (see gov.wales/national-minimum-standards-regulated-childcare) sets out the arrangements for safeguarding and the protection of children for regulated day care settings. The standards are designed to help support and provide advice to those settings that are funded to deliver education to ensure effective practice in delivering safeguarding arrangements. Standard 20: Child protection sets out that the registered person of the setting should ensure that:

- there is a child protection policy in place which is shared with all parents and staff
- child protection training is attended
- all those working in the setting are aware of how to identify child protection concerns
- all staff are aware of how to make a report about a child at risk.

Responsibilities of youth work settings

4.24 Youth work, aimed at young people between the ages of 11 and 25, can take place in a wide variety of settings; this will include those with statutory duties covered elsewhere in this guidance and a broad range of voluntary organisations. Additionally, both the maintained and the voluntary sector services could include workers who provide outreach and dispersed support to reach some of the most vulnerable young people.

4.25 In all cases the Wales Safeguarding Procedures apply alongside any specific organisational guidance and procedures that are in place.

5. Safeguarding responsibilities in specific circumstances

5.1 Everyone working in an education setting should be familiar with the signs of a child at risk of harm, neglect and abuse so they can raise their concerns and safeguard children. This will be provided through safeguarding training and experience of working with children and young people.

5.2 This section provides advice and signposting for those working in education settings to manage specific circumstances. It is not meant to be an exhaustive list and will change as emerging risks and circumstances develop with societal change; there may be other specific circumstances that those in education settings will need to consider. SCB can offer advice and support in relation to resources to support practitioners in identifying the signs of neglect, abuse and other kinds of harm. They will also have an understanding of more localised risks and concerns in the region.

5.3 A number of All Wales Practice Guides accompany the Wales Safeguarding Procedures.

All Wales Practice Guides

5.4 'Safeguarding children from Child Criminal Exploitation (CCE)' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about abuse related to county lines and other forms of criminal exploitation.

5.5 'Safeguarding children from neglect' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about the different forms of child neglect and ways in which these might be hidden.

5.6 'Safeguarding children from child sexual exploitation (CSE)' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about spotting the signs that a child is being sexually abused through exploitation.

5.7 'Safeguarding children affected by domestic abuse' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about harm to children, the need to support non-abusing parents/carers, child/adolescent-on-parent violence and abuse, and peer relationship abuse.

5.8 'Safeguarding children from harmful practices related to tradition, culture, religion or superstition' (see www.safeguarding.wales/chi/index.c6.html) – this includes honour-based abuse such as FGM and forced marriage for children (up to 18), as well as child abuse linked to faith or belief.

5.9 'Safeguarding children were there are concerns about harmful sexual behaviour' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about how to understand what constitutes harmful sexual behaviour in children, including online harmful sexual behaviour.

5.10 'Safeguarding children who go missing from home or care' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about how to decide if a child should be reported as missing, and how to respond.

5.11 'Safeguarding children from online abuse' (see www.safeguarding.wales/chi/index.c6.html) – this includes information on online grooming, online sexual abuse, online harmful sexual behaviour and online radicalisation.

5.12 'Safeguarding children who may be trafficked' (see www.safeguarding.wales/chi/index.c6.html) – this includes information about the different reasons why children might be trafficked, as well as specific reporting duties and support related to this form of abuse.

5.13 Children with Unaccompanied Asylum Seeking Children (UASC) status – there is Welsh Government information, advice and guidance for practitioners on supporting Unaccompanied Asylum Seeking Children, which is available here at gov.wales/unaccompanied-asylum-seeking-children-guidance-professionals.

5.14 Independent Child Trafficking Guardians service – offers a 24/7 support line where practitioners can seek advice, guidance and resources for all exploitation types defined within Modern Slavery Act 2015 (criminal, sexual, labour, domestic servitude and organ harvesting). Telephone: 0800 043 4303

Peer-on-peer abuse and harmful sexual behaviour

5.15 All staff working in education settings should understand and recognise the risks of peer-on-peer abuse and harmful sexual behaviour. The Welsh Government has funded the NSPCC and Barnados to produce guidance on harmful sexual behaviour, sexual exploitation and peer-on-peer abuse for schools, which will be available on Hwb.

5.16 The DSP should have a good understanding of harmful sexual behaviour and this should form part of their safeguarding training. Information about safeguarding children where there may be concerns about harmful sexual behaviour is available in an All Wales Practice Guide (see www.safeguarding.wales/chi/index.c6.html), published with the Wales Safeguarding Procedures. It includes information about peer abuse.

5.17 This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective safeguarding policy and incorporating an approach to sexual violence and sexual harassment into the whole setting approach to safeguarding.

5.18 Education settings should refer to the All Wales Practice Guides on 'Safeguarding children from child sexual exploitation (CSE)' and 'Safeguarding children where there are concerns about harmful sexual behaviour' (see www.safeguarding.wales/chi/index.c6.html).

Child abuse images and the internet

5.19 Further guidance, training and support is available from the National Crime Agency (NCA) Child Exploitation and Online Protection Centre (CEOP) (see www.ceop.police.uk/safety-centre/). NCA (CEOP) works to protect children, families and society from paedophiles and sex offenders, in particular those who seek to exploit children sexually online. Education settings should refer to the Wales Practice Guide on 'Safeguarding children from online abuse' (see www.safeguarding.wales/chi/index.c6.html).

Children missing from home or care

5.20 Education settings should use their attendance policy and practice to ensure they are in regular contact with parents or carers if a child is absent from school without authorisation or if they have patterns of absence. The child's attendance record at school could be an indicator of safeguarding concerns and an opportunity to prevent abuse such as child exploitation.

5.21 If a child is absent without notification it could also be without the knowledge of their parent or carer and could be an early sign that the child is missing from home or care. The education setting should ensure any absence is followed up quickly to ensure the child is safe and not missing from home or care.

5.22 If the education setting identifies the child is missing from home or care they should refer to the Wales Practice Guide on 'Safeguarding children who go missing from home or care' (see www.safeguarding.wales/chi/index.c6.html).

Unaccompanied Asylum Seeking Children (UASC)

5.23 There are central and obvious concerns to be addressed in planning for the care and support needs of children with Unaccompanied Asylum Seeking Children (UASC) status. Welsh Government Unaccompanied Asylum Seeking Children Guidance for Professionals (see gov.wales/unaccompanied-asylum-seeking-children-guidance-professionals) is available. However, it is important to remember that practitioners must still consider specific safeguarding measures as part of their planning with and for the child.

Bullying

5.24 The Welsh Government suite of guidance 'Rights, respect, equality' (see gov.wales/school-bullying) provides statutory guidance for both governing bodies of maintained schools and local authorities to help address and prevent bullying in education settings in Wales. The guidance outlines the Welsh Government's expectations for schools to:

- take a proactive and holistic approach to prevent bullying
- have an anti-bullying policy linking to school policies including behaviour and

safeguarding
- record and monitor incidents of bullying to help take proactive steps to challenge bullying
- to regularly review anti-bullying policies and strategies in collaboration with learners at least every three years.

5.25 The suite also includes advisory guidance for children, young people and their parents/carers to help those affected by bullying, outlining rights and responsibilities.

5.26 To support practical implementation of the guidance we have produced an online toolkit playlist of resources. The toolkits, which have been published on Hwb, the Welsh Government's educational digital platform, includes factsheets, supplementary guidance, incident recording template forms and best practice case examples to help local authorities and schools challenge bullying.

- Anti-bullying toolkit for schools (see hwb.gov.wales/repository/discovery/resource/4d338f2b-4b47-480b-b646-f511df4447d2/en)
- Anti-bullying toolkit for local authorities (see hwb.gov.wales/repository/discovery/resource/d9c3984c-7aaf-400e-9691-d5c6f3440135/en)
- Anti-bullying toolkit for parents and carers (see hwb.gov.wales/repository/discovery/resource/2c46f49b-e5c7-4432-8f82-5ef6a6ec0361/en)
- Anti-bullying toolkit for children (see hwb.gov.wales/repository/discovery/resource/f48e1164-9f22-4cc0-b8ea-e75677ff0347/en)
- Anti-bullying toolkit for young people (see hwb.gov.wales/repository/discovery/resource/f48e1164-9f22-4cc0-b8ea-e75677ff0347/en)

Hate crime

5.27 *Tackling Hate Crimes and Incidents: Framework for Action* (see gov.wales/hate-crime-framework-delivery-plan-2016-2017) was launched by the Welsh Government in May 2014. The Welsh Government has funded a children and young person's helpline (see www.meiccymru.org/) through Meic Cymru and a National Hate Crimes and Incidents Centre (see www.reporthate.victimsupport.org.uk/) through Victim Support Cymru.

Inclusion and pupil support

5.28 The *Inclusion and pupil support* guidance (2016) (see gov.wales/inclusion-and-pupil-support-guidance-schools-and-local-authorities) covers the inclusion and support of pupils of compulsory school age. It provides advice and sets out responsibilities for maintaining high levels of attendance, positive behaviour in schools and support for those pupils who require extra support to ensure they

receive suitable education and avoid becoming disengaged from education. It also covers education provided outside the school setting.

Children missing education

5.29 Children missing education are at greater risk of a range of negative outcomes that could have long-term damaging consequences for their well-being and life chances.

5.30 The Welsh Government has published statutory guidance to help prevent children and young people from missing education (see gov.wales/statutory-guidance-help-prevent-children-and-young-people-missing-education). It provides a practical toolkit to identify children and young people missing education.

Looked after children

5.31 Governing bodies designate a member of staff in schools[19] as having lead responsibility for promoting the educational achievement of children who are looked after. Where there is a concern that a child who is looked after is at risk of abuse, neglect or other kinds of harm, the designated member of staff must speak to the DSP to discuss the concerns, and the education setting's lead person for looked after children should also be notified if appropriate. The lead for children who are looked after may decide it would be necessary to involve the local authority's looked after children in education (LACE) coordinator.

5.32 Further information on the roles of the designated member staff and the LACE coordinator are set out in *Making a difference: A guide for the designated person for looked after children in schools* (2017) (see gov.wales/designated-person-looked-after-children-schools-guidance).

Foreign exchange visits

5.33 It is important that education settings are clear about how they continue to meet their statutory duties for safeguarding children and young people when making arrangements for foreign exchange visits. The British Council provides guidance (see www.britishcouncil.org/school-resources/partner/visit-exchange) from the Association of School and College Leaders on how to plan international exchange visits with a homestay element.

---

[19] *Making a difference: A guide for the designated person for looked after children in schools* (see gov.wales/designated-person-looked-after-children-schools-guidance) sets out the duty on different education settings in more detail.

Outdoor learning and trips

5.34 It is important that education settings are clear about how they continue to meet their statutory duties for safeguarding children and young people when making arrangements for outdoor learning and trips. Further advice and good practice is available from the Outdoor Education Advisors' Panel.

Physical contact with pupils, including restraint

5.35 Under section 93 of the Education and Inspections Act 2006 (see www.legislation.gov.uk/ukpga/2006/40/section/93) all school staff[20] are able to use such force as is reasonable in the circumstances to prevent a child or young person from doing, or continuing to do, any of the following:

- committing any offence (or, for a learner under the age of criminal responsibility, what would be an offence for an older learner)
- causing personal injury to, or damage to the property of, any person (including self-harm to the learner)
- prejudicing the maintenance of good order and discipline at the school or among any leaners receiving education at the school, whether during a teaching session or otherwise.

5.36 There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

5.37 It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

5.38 The Equality and Human Rights Commission's *Human rights framework for restraint* (see www.equalityhumanrights.com/en/publication-download/human-rights-framework-restraint) provides a tool for the use of restraint that sets out the specific legal frameworks that govern the use of restraint in different settings. The framework is relevant for sectors in England and Wales in which restraint is used, including criminal justice, health, adult and social care and education.

---

[20] Under section 95 of the Education and Inspections Act 2006 (see www.legislation.gov.uk/ukpga/2006/40/section/95) a "member of the staff", in relation to a school, means:
(a) any teacher who works at the school, and
(b) any other person who, with the authority of the headteacher, has lawful control or charge of pupils for whom education is being provided at the school.

WLGA000005_0046

5.39 The Welsh Government has consulted on a Framework for Reducing Restrictive Practices, which will set out measures to promote the reduction of restrictive practices. The guidance is clear that where restraint is used, practice should be in line with the Equality and Human Rights Commission's *Human rights framework for restraint*. This will support person-centred planning for children and adults and practice across all relevant education, social care and health settings. We will publish the framework in due course and we will update relevant networks when this happens.

5.40 The Welsh Government guidance *Safe and effective intervention: The use of reasonable force* (2013) (see gov.wales/safe-and-effective-intervention-guidance-schools-and-local-authorities) provides support to schools in providing a safe environment for children and young people.

5.41 An education setting's policy on use of force should be consistent with, but not necessarily part of, its behaviour policy. The Welsh Government guidance on the promotion of positive behaviour and behaviour policies can be found in the *Inclusion and pupil support* (2016) (see gov.wales/inclusion-and-pupil-support-guidance-schools-and-local-authorities) guidance. It should also be consistent with policies on safeguarding and health and safety.

5.42 The EWC has published a *Guide to good practice with 'appropriate touch', handling and restraint* (EWC, 2018) (see: www.ewc.wales/site/index.php/en/46-english/ftp/good-practice-guides.html?layout=blog) that aims to help increase awareness of handling and restraint in professional practice. This guidance should be read in conjunction with the *Code of professional conduct and practice* for registrants with the Education Workforce Council (EWC) (EWC, 2019) (see: www.ewc.wales/site/index.php/en/46-english/ftp/good-practice-guides.html?layout=blog).

Substance misuse

5.43 School and community-based counselling services provide personal support for children and young people who wish to discuss their problems, including substance misuse, with an independent adviser.

5.44 There is also the All Wales Schools Liaison Core Programme, which operates in all primary and secondary schools. The Programme delivers education on substance misuse and wider community and personal safety issues at all key stages of the curriculum among a range of other lessons.

5.45 The Wales Drug and Alcohol Helpline, DAN 24/7 (see: www.dan247.org.uk/), is a free and bilingual telephone drugs helpline providing a single point of contact for anyone in Wales wanting further information or help relating to drugs or alcohol. This helpline will assist individuals, their families, carers, and support workers within the drug and alcohol field to access appropriate local and regional services.

Suicide and self-harm

5.46 The Welsh Government has produced guidance, *Responding to issues of self-harm and thoughts of suicide in young people* (2019) (see gov.wales/responding-issues-self-harm-and-thoughts-suicide-young-people). The guidance provides information for adults who work with children and young people regarding how to respond to issues of suicide and self-harm. It addresses how to ask questions of children and young people who may have suicidal feelings or be self-harming, and how to respond to disclosure of these feelings and behaviours. It provides guidance on confidentiality, safeguarding and routes of escalation.

5.47 All education settings should have regard to this guidance when considering their health and well-being policies, and should ensure that it is accessible to all staff.

5.48 The *Help is at hand* (NHS Wales, 2016) (see www.wales.nhs.uk/sitesplus/888/news/27747) self-help guide is for the benefit of those bereaved by suicide. It is aimed at a wide range of people who are affected by suicide or unexplained death, not just relatives or friends, but also healthcare and other professionals who come into contact with bereaved people. Its aim is to provide help and suggestions on how to find support.

6. Domestic abuse, gender-based violence, sexual violence and harmful cultural practices

6.1 Everyone working with children should be alert to the frequent interrelationship between domestic abuse and the abuse and neglect of children. Where there is evidence of domestic abuse, the implications for any children in the household should be considered, including the possibility that the children may themselves be a victim of violence or other harm.

6.2 The Welsh Government's *National Strategy on Violence against Women, Domestic Abuse and Sexual Violence – 2016 - 2021* (see gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-strategy-2016-2021) and *Cross Government Delivery Framework 2018-2021* (see gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-cross-government-delivery-framework-2018) set out our commitments to tackling violence against women, domestic abuse and sexual violence (VAWDASV).

6.3 The *Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse & Sexual Violence in Wales* (2015) (see gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-vawdasv-educational-toolkit) recognises the importance of education settings as environments where positive attitudes towards gender equality and healthy, respectful relationships can be fostered through a rights-based approach. It is intended to be used as a handy tool to help integrate these issues and approaches into existing teaching and management practices.

6.4 The guide, which has been developed in conjunction with Welsh Women's Aid, is based around the nine key elements of a whole-education approach, with each section exploring the types of activity that could be taken under each element. The guide suggests a range of practical ideas and is illustrated with case studies throughout.

6.5 The *Violence Against Women, Domestic Abuse And Sexual Violence: Guidance For Governors* (2016) (see gov.wales/violence-against-women-domestic-abuse-and-sexual-violence-guidance-governors-0) contains a number of actions that governors can take to make their school safer. The guide informs school governors of the issues surrounding VAWDASV and the need to have an appropriate policy in place to help staff to recognise the signs of abuse and how to get help for themselves, to assist their colleagues and the children in their school.

Proactive approaches

6.6 Prevention work should be integrated, where practical, into all aspects of an education setting's life and addressed at all appropriate points in the curriculum. This will help create a positive ethos where learners have a safe environment in which to learn and have the opportunity and confidence to share concerns with others. Discussing the issues and listening to the views and opinions of peers can help change attitudes and provide support. When

discussing sensitive issues, these need to be presented in a balanced way and ethical issues discussed objectively. However, it is equally important to equip learners to take responsibility for their behaviour in their personal relationships and to recognise inappropriate behaviour.

Operation Encompass

6.7 Operation Encompass was created to support children experience domestic abuse through timely information-sharing between police and schools. This is now being rolled out across Wales. The purpose of Operation Encompass is to enable support to be given to child victims of domestic abuse. Key adults, often the DSP, are identified in all schools involved in Operation Encompass so they have knowledge of domestic abuse and its impact upon children that they can disseminate to all staff. Through Operation Encompass schools are able to help children understand what is happening at home and how to best protect themselves both physically and emotionally. The information a school receives also enables them to prepare for the child at school and ensure they have the support they need.

Responding to concerns

6.8 Where school staff have cause to believe that a child is at risk from, is the subject of, or is living in a household with violence or abuse, the DSP should be informed immediately and take action in accordance with the Wales Safeguarding Procedures.

6.9 Where the abuse is between adults in the household, the child can be provided with advice on who can help, including the police, local authority, or local domestic abuse advocacy services (please refer to locally produced information).

6.10 Practitioners can receive advice and guidance from the Live Fear Free Helpline (**DPA**), Live Fear Free website (see gov.wales/live-fear-free) or via the Live Fear Free email (info@livefearfreehelpline.wales).

6.11 The Live Fear Free helpline is a free 24-hour confidential helpline that offers support and advice to **all** victims of abuse and violence, regardless of gender and sexual orientation, and to 'concerned others' such as practitioners, family members, friends, colleagues and members of the public.

6.12 The *National Training Framework on violence against women, domestic abuse and sexual violence for Wales* (see gov.wales/national-training-framework-violence-against-women-domestic-abuse-and-sexual-violence) on VAWDASV sets out the level of training appropriate for education-based staff. All relevant professionals must be able to 'ask and act' in relation to VAWDASV. In practice, this means that all professionals likely to come into contact with those who may be experiencing abuse can identify the indicators of this experience and respond appropriately to that person.

6.13 VAWDASV e-learning can also be accessed at https://learning2.wales.nhs.uk/login/index.php.

Female genital mutilation (FGM)

6.14 It is vital that anyone working in an education setting is alert to the signs of FGM and what action to take if they have concerns. Staff should be aware that girls might be taken abroad during the summer break to undergo FGM, as procedures take up to four weeks to heal. The procedure may therefore be performed before a girl returns to school at the start of the autumn term. Staff should be vigilant in looking for signs of FGM after the school holidays and report anything that may seem suspicious to the DSP in the first instance.

6.15 Section 5B of the Female Genital Mutilation Act 2003 (see www.legislation.gov.uk/ukpga/2003/31/contents) introduces a mandatory reporting duty that requires teachers in England and Wales to report to the police known cases of FGM in under-18s that they identify in the course of their professional work.

6.16 The Home Office guidance Multi-agency statutory guidance on female genital mutilation (2020) (see www.gov.uk/government/publications/multi-agency-statutory-guidance-on-female-genital-mutilation) is clear that the duty applies to qualified teachers or persons who are employed or engaged to carry out teaching work in schools and colleges, and education practitioners regulated by the EWC.

6.17 If there is a suspicion that a child is at risk of FGM, honour-based violence or forced marriage they should follow the school safeguarding procedures. FGM protection orders may also be used. The court can be asked to consider an application straight away and can make a protection order without the respondents being present; the Home Office guidance *Mandatory Reporting of Female Genital Mutilation – procedural information* (see www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information) recommends that it be reported orally by **calling 101**.

Forced marriage

6.18 The UK Government's Multi-agency practice guidelines: Handling cases of Forced Marriage (2014) (see www.gov.uk/government/publications/handling-cases-of-forced-marriage-multi-agency-practice-guidelines-english) provides step-by-step advice to professionals, including teachers, on forced marriage. The guidance includes an outline of the signs that those working in an education setting may recognise when a child or young person is at risk of forced marriage.

6.19 Forced marriage protection orders may also be used. The court can make an order in an emergency so that protection is in place straight away.

7. Keeping learners safe and secure online

7.1 With so much of our lives now spent online, promoting the safe and positive use of technology among children and young people is a key priority for the Welsh Government. The *Online safety action plan for children and young people in Wales 2019* (updated autumn 2019) (see hwb.gov.wales/zones/keeping-safe-online/online-safety-action-plan-for-children-and-young-people-in-wales/#documents) provides an overview of the work being undertaken by the Welsh Government to enhance the practice and provision of online safety for children and young people in Wales. This key document outlines the Welsh Government commitment to this area of critical importance, highlighting achievement made to date, and recognising the need for continued awareness and responsibility.

7.2 The Keeping safe online (see hwb.gov.wales/zones/keeping-safe-online/) area on Hwb has been designed and developed to enhance digital resilience in education across Wales. There is an extensive suite of up-to-date bilingual resources, Welsh Government guidance and links to further sources of support on a range of online safety, cybersecurity and data protection issues for:

- children and young people
- practitioners and professionals
- parents, carers and families
- governors and management committees.

7.3 The Keeping safe online area also hosts bilingual resources created by or developed in collaboration with key partners, such as the NSPCC, Common Sense Media and the NCA. In addition to guidance and resources, Keeping safe online publishes digital resilience news and opportunities to get involved with competitions, webinars and training. The site also signposts to trusted organisations, tools for reporting online harms and further sources of expert support.

7.4 360 degree safe Cymru (see https://360safecymru.org.uk/) is a bilingual online safety self-assessment tool for schools. The tool has been designed to support schools in regularly reviewing their own online safety policies and practice by working through, and grading, a series of self-assessment aspects. The tool also provides a suite of online safety policy templates for schools to use and customise.

7.5 The Welsh Government is an official supporter of Safer Internet Day. Taking place on the second Tuesday of February every year, the Welsh Government works with the UK Safer Internet Centre to promote Safer Internet Day engagement through competition, lesson plans and activities. The UK Safer Internet Centre is a partnership of three leading charities – Childnet International, Internet Watch Foundation and the SWGfL – with a shared mission to make the internet a better place for children and young people.

7.6 Further details on Safer Internet Day (see hwb.gov.wales/zones/keeping-safe-online/safer-internet-day/) can be found on the 'Keeping safe online' area on Hwb.

7.7 Education settings may consider video-conferencing and live-streaming with learners as a practical and appropriate approach in certain circumstances, particularly in support of learner engagement and well-being. Safeguarding is an integral principal of digital learning and the safety and welfare of learners must take precedence over all other considerations. Safeguarding must be integral to the delivery of live-streamed lessons to ensure learners are appropriately protected. Should an education setting choose to use video-conferencing or live-streaming, governing bodies, headteachers and staff must have full regard to *Live-streaming and video-conferencing: safeguarding principles and practice* (see hwb.gov.wales/zones/keeping-safe-online/live-streaming-and-video-conferencing-safeguarding-principles-and-practice/) guidance, which outlines key considerations to ensure safe practice when live-streaming.

7.8 It is critical that web-filtering standards are fit for purpose for 21st Century learning and teaching, allowing the access schools require while still safeguarding children and young people. Governing bodies should ensure appropriate filters and appropriate monitoring systems are in place and refer to the *Recommended web filtering standards for schools in Wales* guidance (see gov.wales/recommended-web-filtering-standards-schools). The standards seek to support schools to provide a safe, responsible and supportive environment to learn in, and prevent access to inappropriate or harmful content.

7.9 Sharing images has become commonplace with the ease of modern technology. The increasing number of children and young people with mobile devices and the speed and ease of sharing images has brought concerns about sharing nude images (sometimes referred to as 'sexting'). These behaviours can expose young people to risks including non-consensual sharing of images, embarrassment, bullying and increased vulnerability to blackmail and coercion or sexual exploitation. Creating and sharing sexual images of under-18s is illegal.

7.10 *Sharing nude images - responding to incidents and safeguarding learners: safeguarding guidance for education settings in Wales* (see hwb.gov.wales/search?query=sexting&strict=true&popupUri=%2FResource%2F13535b7f-a382-41df-9621-93f0490e0e38) supports schools in Wales to appropriately manage issues of sharing nude images. The guidance has been produced to support schools, colleges and other educational settings in developing procedures to respond to incidents involving sharing nude images. It includes information about preventative education and signposts to further sources of resources and support, as well as how and when to involve other agencies. The guidance also outlines how to handle an incident, which includes advice on defining the incident and assessing the behaviours of any child or young person involved to identify any immediate risks. Also included is guidance on viewing, deleting and reporting images.

7.11 The *Online safety: Five key question for governing bodies to help challenge their schools and colleges to effectively safeguard their learners* guidance (see hwb.gov.wales/zones/keeping-safe-online/repository/discovery/resource/ce7fba2e-1f8d-4a33-8707-5d46315cdab2/en) aims to support governing bodies to undertake their safeguarding duties as a governing board. This includes supporting schools to provide a safe, responsible and supportive environment to learn and prevent access to inappropriate or harmful content. The guidance includes five key questions, as well as examples of evidence to look for, broken down as:

- what to look for
- what good practice looks like
- when you should be concerned.

7.12 The Report Harmful Content (see www.saferinternet.org.uk/helpline/report-harmful-content) national reporting centre provides a mechanism for reporting harmful content, which is anything online that causes a person distress or harm. The focus of the service, which is now available bilingually, is to provide advice about all types of harm online and to signpost users to the correct services, highlighting the reporting route for non-criminal content.

7.13 The ability of educational establishments to recognise, respond and resolve online safety issues should be verified by inspections from Estyn and the local authority.

7.14 The Professionals Online Safety Helpline (POSH) (see hwb.gov.wales/search?query=POSH&strict=true&popupUri=%2FResource%2F87e3b5fd-2b29-4eba-b69e-eb2fdcb192c4) offers advice and support to any practitioners working with children and young people with a range of online safety concerns. As part of the UK Safer Internet Centre, the POSH provides support to any member of the children's workforce with online safety issues that they may face themselves, or that a young person in their care may come across. The helpline provides support with a whole range of online issues such as:

- online reputation
- gaming
- grooming
- online bullying
- sexting
- inappropriate behaviour on social media
- illegal content
- online harassment
- radicalisation.

7.15 Further support in relation to appropriate filtering and monitoring, as well as advice on other online safety issues, is available on the UK Safer Internet website (see www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/appropriate-filtering-and-monitoring).

7.16 Education settings should follow the All Wales Practice Guide on *Safeguarding children from online abuse* (see https://safeguarding.wales/chi/c6/c6.p6.html if they identify concerns about online abuse.

7.17 Childline has developed a report and remove tool (see www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/) that allows young people to report an image and get it removed from the internet.

8. Community cohesion

Preventing radicalisation

8.1 All education settings should create a safe environment in which children can understand and discuss sensitive topics, including terrorism and extremist ideas, and learn how to challenge these ideas. We expect opportunities within the curriculum to be used to explore and challenge these topics and to promote the values of democracy, mutual respect, and tolerance of different faiths and beliefs.

8.2 The Counter Terrorism and Security Act 2015 places a duty on a range of specified authorities (including proprietors of maintained schools, funded non-maintained special schools, maintained nursery schools, independent schools, pupil referral units, colleges, work-based learning providers and universities) to have due regard, in the exercise of their functions, to prevent people from being drawn into terrorism. The UK Government has published 'Prevent Duty Guidance: for England and Wales' for specified public bodies, including education providers (see www.gov.uk/government/publications/prevent-duty-guidance) and 'Prevent duty guidance: for further education institutions in England and Wales' (see www.gov.uk/government/publications/prevent-duty-guidance/prevent-duty-guidance-for-further-education-institutions-in-england-and-wales). It is important that all school and college staff understand the Prevent strategy and the role they play in adhering to the Prevent duty.

8.3 The *Respect and resilience – Developing community cohesion* guidance (see gov.wales/respect-and-resilience-developing-community-cohesion) sets out the role that those working in education have in developing and supporting strategic approaches to promoting and maintaining community cohesion and eradicating violent extremism. Included within this guidance is a self-assessment tool, to support schools to assess their levels of compliance with best practice in the creation of a safe learning community, and to keep learners safe from the dangers of radicalisation and extremism.

8.4 For colleges, *Creating safe learning communities* (see http://preventforfeandtraining.org.uk/wp-content/uploads/2018/01/Creating_safe_learning_communities_revd_Sept_20151.pdf) provides guidance and a self-assessment toolkit on Prevent. The documentation, developed with the sector by CollegesWales, gives a practical framework for assessing Prevent compliance and action planning.

8.5 For work-based learning providers, an updated safeguarding and Prevent self-assessment toolkit (see hwb.gov.wales/repository/discovery/resource/3db76b8c-d63c-42f7-b957-5dbd88f31408/en) was published in September 2019, and a Hwb playlist (see hwb.gov.wales/repository/discovery/resource/049079b6-ae2c-4f64-a0a0-4f9fe7742401/en) summarises key information on safeguarding and Prevent requirements.

8.6 Schools and colleges **must** ensure that safeguarding procedures include provision for identifying and addressing risks relating to radicalisation and extremism. The DSP should develop strong channels of communication with appropriate external agencies. We expect everyone working within an education setting to understand when it is appropriate to raise a concern with a DSP, and for the DSP to know when it is appropriate to make a referral to the local authority through the single point of contact (SPoC) to the police.

8.7 Where there is a concern about a child in respect of extremism and the support options are not available locally, the SCB police representative will be able to discuss support options.

8.8 The Counter Terrorism Policing Wales has published the All Wales Prevent Partners Referral Form (see https://digitalservices.south-wales.police.uk/en/all-wales-prevent-partners-referral-form-english/) to create a clearly defined single referral mechanism across all public authorities in Wales, to improve the confidence of each authority, to mitigate against threat and reduce risk by safeguarding those who need support. If the DSP identifies someone who may hold extremist views or be at risk of radicalisation they should use this referral form.

8.9 Suspected online terrorism content, including articles, images, speeches or videos that promote terrorism or encourage violence, or encourage people to commit acts of terrorism, websites made by terrorist or extremist organisations and videos of terrorist attacks can be reported at www.gov.uk/report-terrorism.

8.10 Co-funded by the European Commission, The Professionals Online Safety Helpline (POSH) (see www.saferinternet.org.uk/helpline/professionals-online-safety-helpline) was set up in 2011 to help all members of the community working with or for children in the UK, with any online safety issues they, or children and young people in their care, may face. So if you work with children and young people, we're here to help you. You can also refer content of concern directly to social media platforms – find out how via www.saferinternet.org.uk/advice-and-resources/teachers-and-professionals/safety-features.

8.11 All staff members should be trained through the Home Office Workshop to Raise Awareness of Prevent (WRAP) programme. For more information about WRAP you can contact:

- **WRAP-related queries** – WRAP@homeoffice.gov.uk
- **E-learning related queries** – Prevent.training@homeoffice.gov.uk.

8.12 Estyn expects inspectors to consider how education settings keep children and young people attending the education setting safe from the dangers of radicalisation and extremism. The Counter-Terrorism and Security Act 2015 has been added to a list of relevant legislation in Annex 6 of the *Supplementary guidance: inspecting safeguarding in schools and PRUs* and *Supplementary guidance: inspecting safeguarding in post-16 provision* (see www.estyn.gov.wales/inspection/safeguarding-0). This provides background to

the considerations of Estyn inspectors with regard to preventing radicalisation in schools.

8.13 The Welsh Baccalaureate includes an option through the Global Citizenship Challenge to allow schools in Wales to address the issue of extremism through an accredited WJEC programme. The purpose of this module is to develop learners' skills while providing opportunities for them to understand and respond appropriately to global issues (facilitating critical thinking skills, problem-solving, creativity, and innovation).

9. Safer staff recruitment practice

9.1 This section outlines the steps that should be followed to achieve safer recruitment practices. It aims to assist all education settings – including pupil referral units, funded non-maintained and independent schools, colleges, local authorities and supply agencies – to review and, where appropriate, modify their practice and procedures in ways that will strengthen safeguarding arrangements by helping to deter and prevent abuse.

9.2 All teaching and support staff, with the exception of those working in funded non-maintained settings and independent schools, must be registered with the EWC. There are seven registration categories:

- **school teacher** – a teacher holding QTS and working in a maintained school or funded non-maintained special school. A statutory Induction period may be required in order to be registered in this category. Find out more on the EWC Induction pages (see www.ewc.wales/site/index.php/en/induction/contacts-for-guidance-on-induction)
- **school support worker** – supporting learning in a maintained school or funded non-maintained special school. In addition student teachers on a Welsh Government Employment Based Teacher Training Scheme as specified under The School Teachers' Qualifications (Wales) Regulations 2012[21] must be registered under this category until they are awarded QTS
- **further education teacher** – working as a teacher or lecturer in a college
- **further education support worker** – supporting learning in a FE college
- **youth worker** – providing youth development services for or on behalf of a local authority, school, college or voluntary organisation in Wales. This category of registration is subject to mandatory qualification requirements (see www.ewc.wales/site/index.php/en/registration/registration-information-for-employers.html)
- **youth support worker** – providing youth development services for or on behalf of a local authority, school, college or voluntary organisation in Wales This category of registration is subject to mandatory qualification requirements (see www.ewc.wales/site/index.php/en/registration/registration-information-for-employers.html)
- **work-based learning practitioner** – working as a trainer, assessor, tutor, coach or mentor, for or on behalf of a work-based learning provider. Those who hold management/leadership roles and quality assurance staff also need to register.

9.3 Under the local management of schools framework as outlined in the Staffing of Maintained Schools (Wales) Regulations 2006[22] schools are responsible for making decisions about how they organise, recruit, deploy and manage their

---

[21] www.legislation.gov.uk/wsi/2012/724/contents/made
[22] The Staffing of Maintained Schools (Wales) Regulations 2006 (see www.legislation.gov.uk/wsi/2006/873/contents/made)

workforce. These decisions reflect the school's individual circumstances, resources and priorities as identified in their school development plan (SDP)[23].

9.4 As part of pre-employment checks schools, colleges and commercial supply agencies have access to the EWC register to check that anyone who falls under the seven registration categories is registered. If a person is included on a barred list by the DBS, they are ineligible to work in any of the seven registered professions and cannot be registered with the EWC.

9.5 The legal responsibility for ensuring that only appropriately registered practitioners are employed in the appropriate post lies not only with the practitioner themselves but also with the employer. Where a commercial supply agency is used, it is the responsibility of both hirer, e.g. school, FE institute and the commercial supply agencies to undertake the necessary checks; assumptions should not be made that the other has done so.

9.6 It is **effective practice** for all employers in the education system to carry out annual checks on everyone that regularly undertakes work within a school or college, to ensure that there have been no changes in their status.

9.7 The EWC has issued guidance on the registration of school teachers and school learning support workers and guidance on the registration of FE lecturers and FE learning support workers (see www.ewc.wales/site/index.php/en/registration/registration-information-for-employers.html), which set out key considerations for employers in determining whether registration is a requirement in the role.

9.8 Regulations (see www.legislation.gov.uk/wsi/2015/140/contents/made) stipulate that colleges and supply agencies should ensure every FE teacher who provides education in or for a college is registered with the EWC before they commence work.

Supply agencies

9.9 Headteachers and governing bodies have a range of options open to them in sourcing supply cover. They can appoint directly, use the services of local authority supply lists where they exist, or use the services of commercial supply agencies.

9.10 If using commercial supply agencies for cover arrangements within maintained schools, the headteacher/governing body should be aware of the National Procurement Service (NPS) Supply Teachers Framework for Wales[24] for the

---

[23] Education (School Development Plans) (Wales) Regulations 2014 (see www.legislation.gov.uk/wsi/2014/2677/contents/made)

[24] Managed Service for the Provision of Agency Workers Framework at gov.wales/national-procurement-service

provision of supply teachers commissioned on behalf of local authorities. Using commercial supply agencies on the framework (see hwb.gov.wales/professional-development/supply-teachers/#the-national-procurement-services-supply-teachers-framework-for-wales) will provide schools with assurance that minimum quality standards and statutory safeguarding obligations are met, there is transparency in terms of the fees payable by schools while ensuring the protection of supply teachers by all agencies admitted to the framework. Local authorities should recommend that schools use the services of the framework provider; however, there is no legal requirement for them to do so.

9.11 Some recruitment agencies may use an app service that is used to employ a supply teacher when cover is needed at a school. This app service unbiasedly connects supply teachers and headteachers to each other. When using the app, the headteacher should be aware that it is highly likely the school will become the employer. Therefore, **all** employer functions fall to the school and it is their responsibility to ensure that they are carried out correctly.

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

9.12 Governing bodies **should** have procedures in place for whistleblowing. All members of staff should be able to raise concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice. They should be able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly – see the *Procedures for Whistleblowing in schools and Model Policy* (2007) (see gov.wales/whistleblowing-schools-guidance-governors).

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

9.14 Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the senior leadership team. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them – .

9.15 The NSPCC whistleblowing helpline (see www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call DPA DPA or email help@nspcc.org.uk.

The Disclosure and Barring Service (DBS)

9.16 The DBS helps employers make safer recruitment decisions and helps prevent unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.

9.17 The chapter is a summary of key issues addressed through the DBS under the Protection of Freedoms Act 2012 (see www.legislation.gov.uk/ukpga/2012/9/contents/enacted). Detailed, comprehensive and up-to-date guidance on the operation of the DBS can be found on the DBS website (see www.gov.uk/government/organisations/disclosure-and-barring-service).

9.18 Pre-employment checks are a key preventative measure to minimise the possibility of children suffering harm from those in positions of trust. However, it is only one of a number of important elements in the recruitment process and should be considered together with other key aspects.

9.19 Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college has been subject to the appropriate level of DBS check.

9.20 Prior to entry to ITE programmes ITE Partnerships must vet ITE candidates to ensure they don't have a criminal background that might prevent them working with children or vulnerable young people, or as an education practitioner; and ensure that student teachers have not previously been barred or excluded from teaching or working with learners.

9.21 Under no circumstances should a contractor, in respect of whom no checks have been obtained, be allowed to work unsupervised or engage in regulated activity[25]. Education settings are responsible for determining the appropriate level of supervision depending on the circumstances. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.

9.22 The DBS eligibility tool (see www.gov.uk/find-out-dbs-check), which applies in Wales and England, provides advice to determine the type of DBS checks that are relevant for employees. The tool can be used to find out which roles or activities could be eligible for a basic, standard or enhanced DBS check.

---

[25] Guidance on regulated activity can be found at www.gov.uk/government/publications/supervision-of-activity-with-children.

Annex1: Model Safeguarding Policy

Safeguarding policy for (name of school/college/education setting)

1. Introduction

[Name of School/College/education setting] fully recognises the contribution it makes to safeguarding.

There are three main elements to our policy:

- prevention through the culture, teaching and pastoral support offered to learners
- procedures for identifying and reporting cases, or suspected cases, of abuse – because of our day-to-day contact with children our staff are well placed to observe the outward signs of abuse
- support to learners who may have been abused.

Our policy applies to **all** staff and volunteers working in the education setting and governors. Learning support assistants, mid-day supervisors, caretakers, secretaries as well as teachers can be the first point of disclosure for a child.

2. Prevention

We recognise that high self-esteem, confidence, supportive friends and good lines of communication with a trusted adult helps to safeguard learners.

The school will therefore:

- establish and maintain an ethos where children feel secure and are encouraged to talk, and are listened to
- ensure children know that there are adults in the education setting whom they can approach if they are worried or in difficulty
- include in the curriculum, activities and opportunities for relationships and sexuality education which equip children with the skills they need to stay safe from abuse and to know to whom to turn for help
- include in the curriculum material that will help children develop realistic attitudes to the responsibilities of adult life, particularly with regard to childcare and parenting skills
- build relationships with other agencies and ensure early and appropriate referrals for support and intervention are made before risks escalate
- take a whole-school (setting) approach to well-being which will incorporate safeguarding and preventative measures to support children and families.

3. Procedures

We will follow the Wales Safeguarding Procedures that have been endorsed by SCBs. The school/college will:

- ensure it has a DSP for safeguarding who has undertaken the appropriate training

- recognise the role of the DSP and arrange support and training [education settings may wish to mention the additional training undertaken by their DSP]
- ensure every member of staff and every governor knows:

  - the name of the DSP and their role, the local authority point of contact and the designated governor for safeguarding
  - that they have an individual responsibility for reporting children at risk and protection concerns to social services, or to the police, within the timescales agreed with the Regional Safeguarding Board
  - how to take forward those concerns when the DSP is unavailable

- ensure that all members of staff are aware of the need to be alert to signs of abuse and neglect, and know how to respond to a learner who may disclose abuse or neglect
- ensure that members of staff who are EWC registrants are aware of the *Code of Professional Conduct and Practice for registrants with the Education Workforce Council* (see www.ewc.wales/site/index.php/en/fitness-to-practise/code-of-professional-conduct-and-practice-pdf.html) and the expectation within the Code that the registrant has regard to the safety and well-being of learners in their care and related content
- ensure that parents/carers have an understanding of the responsibility placed on the school/college/education setting and staff for safeguarding and child protection by setting out its obligations in the school brochure
- provide training for all staff so that they:

  - understand their personal responsibility
  - know the agreed local procedures and their duty to respond
  - are aware of the need to be vigilant in identifying cases of abuse and neglect
  - know how to support a child who discloses abuse or neglect
  - understand the role online behaviours may have in each of the above

- notify the local authority's social services team if:

  - a learner on the child protection register is excluded, either for a fixed term or permanently
  - there is an unexplained absence of a learner on the child protection register of more than two days' duration from school (or one day following a weekend)

- work to develop effective links with relevant agencies and cooperate as required with their enquiries regarding child protection matters, including attendance at initial review as well as child protection conferences and core groups and the submission of written reports to the conferences
- keep written records of concerns about children (noting the date, event and action taken), even where there is no need to refer the matter to the local authority immediately
- ensure all records are kept secure and in locked locations
- adhere to the procedures set out in the Welsh Government's *Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies* (see gov.wales/disciplinary-and-dismissal-procedures-school-staff)

- ensure that recruitment and selection procedures are made in accordance with Welsh Government's *Keeping learners safe* guidance
- designate a governor for safeguarding who will oversee the school's/college's child protection policy and practice.

4. Supporting those at risk

We recognise that children/young people who are at risk, suffer abuse or experience violence may be deeply affected by this.

This school/college/education setting may be the only stable, secure and predictable element in the lives of children at risk. Nevertheless, when at school/college/education setting their behaviour may be challenging and defiant or they may be withdrawn.

The school will endeavour to support the learner through:

- the content of the curriculum to encourage self-esteem and self-motivation
- the school/college ethos which:
  - promotes a positive, supportive and secure environment
  - gives learners a sense of being valued (see section 2 on Prevention)

- the school's/college's/education setting's behaviour policy, which is aimed at supporting vulnerable pupils in the school/college. All staff will agree on a consistent approach that focuses on the behavioural outcome of the child but does not damage the individual's sense of self-worth. The school/college/education setting will endeavour to ensure that the learner knows that some behaviour is unacceptable but that they are valued and not to be blamed for any abuse which has occurred
- liaison with other agencies who support the learner such as local authority officers – for example the educational psychology service, behaviour support services or the Education Welfare Service – child and adolescent mental health services, and advocacy services
- keeping records and notifying the local authority as soon as there is a recurrence of a concern.

When a learner on the child protection register leaves, we will transfer information to the new provider immediately and inform social services.

5. Anti-bullying

Our policy on anti-bullying is set out in [a separate document/the school's/college/education setting's behaviour policy] and is reviewed annually by the governing body.

6. Physical intervention

Our policy on physical intervention is set out in [a separate document] and is

reviewed annually by the governing body, and is consistent with the Welsh Government's guidance *Safe and effective intervention – use of reasonable force and searching for weapons*.

7. Children with additional learning needs

We recognise that statistically children with additional learning needs are most at risk of abuse. Staff who work with children with an additional learning need, such as a profound and multiple disability, sensory impairment or emotional and behavioural problem, need to be particularly sensitive to signs of abuse.

Annex 2: Glossary of terms

ACEs	Adverse Childhood Experiences (ACEs) are traumatic experiences that occur before the age of 18 and are remembered throughout adulthood. They include child maltreatment such as physical, sexual and verbal abuse and neglect, and wider experiences of household dysfunction, such as growing up in a household affected by domestic violence, parental separation, alcohol and drug use, mental illness or parental incarceration.
Child	Section 175 of the Education Act 2002 and section 3 of the Social Services and Well-being (Wales) Act 2014 defines a child as a person under the age of eighteen.
Child at risk	The Social Services and Well-being (Wales) Act 2014 defines a "child at risk" as a child who: a) is experiencing or is at risk of abuse, neglect or other kinds of harm; and b) has needs for care and support (whether or not the local authority is meeting any of those needs).
Child protection	Child protection is a part of safeguarding and promoting well-being. This refers to the activity that is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.
College	Means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.
Development	Physical, intellectual, emotional, social or behavioural development.
Education setting	All schools and colleges as defined above, plus all other education settings including, but not exclusive to, funded non-maintained early years settings and work-based learning providers.
EOTAS	Education otherwise than at school (EOTAS) is an education provision to meet specific needs of pupils who, for whatever reason, cannot attend a mainstream or special school. In law, local authorities are responsible for providing these services.
Harm	Ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another.
Health	Physical or mental health.
Neglect	The Social Services and Well-being (Wales) Act 2014 defines neglect as "a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being

	(for example, an impairment of the person's health or, in the case of a child, an impairment of the child's development)".
Promoting the well-being of children	There is an overarching duty to seek to promote the well-being of people who need care and support and carers who need support. The Social Services and Well-being (Wales) Act 2014 defines well-being in relation to any of the following: a) physical and mental health and emotional well-being b) protection from abuse and neglect c) education, training and recreation d) domestic, family and personal relationships e) contribution made to society f) securing rights and entitlements g) social and economic well-being h) suitability of living accommodation. In relation to a child, "well-being" also includes: a) physical, intellectual, emotional, social and behavioural development b) "welfare" as that word is interpreted for the purposes of the Children Act 1989.
Pupil referral unit	A pupil referral unit (PRU) is a type of school established by a local authority that has a duty to provide suitable education for children and young people who, by reason of illness, exclusion or otherwise, may not receive such education in a mainstream school.
Safeguarding	Safeguarding means preventing and protecting children and adults at risk from abuse or neglect and educating those around them to recognise the signs and dangers.
School	All schools, whether maintained, funded non-maintained or independent schools, maintained nursery schools, and PRUs. The Education Act 2002 defines school functions in relation to a local education authority, meaning functions relating to: a) maintained schools b) pupil referral units, or c) the provision of education for children of compulsory school age otherwise than at school.
Significant harm	Section 31(10) of the Children Act 1989 states that "where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child".
Well-being	Section 2 of the Social Services and Well-being (Wales) Act

	2014 defines well-being as including "welfare" as that word is interpreted for the purposes of the Children Act 1989.
Work-based learning	Work-based learning (WBL) includes apprenticeships and employability programmes that are funded or part-funded by the Welsh Government. For the purpose of this guidance, vocational learning and/or support programmes that are part-funded through the Welsh European Funding Office should also be treated as WBL programmes.

Annex 3: Safeguarding audit tool

The purpose of this safeguarding audit tool is to support all education settings to review their safeguarding arrangements. The audit tool is intended to help education settings to identify strengths and weaknesses in their safeguarding arrangements and to ensure they are exercising their legal safeguarding obligations in line with the *Keeping learners safe* statutory guidance. This tool can be adapted for different types of education setting as appropriate, and work-based learning (WBL) providers may find the WBL toolkit more suitable.

What is safeguarding and child protection?

In the context of this audit tool, safeguarding is the action taken to promote the well-being of children. Safeguarding means:

- protecting children from abuse, neglect and other kinds of harm
- preventing harm to children's health or development
- ensuring children are provided with safe and effective care
- taking action to enable children to have the best outcomes.

Child protection is part of a safeguarding process. It focuses on protecting individual children identified as suffering, or likely to suffer abuse, neglect or other kinds of harm.

All education settings have statutory duties to operate in a way that takes into account the need to safeguard and promote the well-being of learners. When reviewing safeguarding arrangements education settings should consider how effective they are in the following:

- creating and maintaining a safe learning environment for learners
- identifying where there are well-being concerns and taking action to address these, where appropriate, in partnership with other agencies
- the development of learner's understanding, awareness, and resilience through the curriculum.

Achieving this objective requires systems designed to robustly:

- prevent unsuitable people from working with learners
- promote safe practice and challenge poor and unsafe practice

- identify instances in which there are grounds for concern about a learner's well-being arising from home, community, school or college, and initiate or take appropriate action to keep them safe
- contribute to effective partnership-working between all those involved with providing services for learners.

How to use this audit tool

The audit tool **should not** be used as a checklist, but rather to support a whole-setting approach to safeguarding and provide a benchmark against which to work to continually develop and improve. Effective safeguarding arrangements must be about the ethos, character and culture of an education setting, rather than any finite set of actions or policies. The audit tool encourages education settings to go beyond checking that a policy is in place, for example, to reviewing what impact that policy is having. The Designated Safeguarding Person (DSP) for child protection should support the education setting's safeguarding approach. Everyone working in an education setting, whether employed by the local authority or otherwise, who comes into contact with children and their families has a role in safeguarding children. They form part of the wider safeguarding system for children and are in a position to identify concerns early and provide help for children to prevent issues from escalating. This audit tool seeks to help education settings to promote this ethos.

The audit tool is intended as an exemplar, against which to review current safeguarding arrangements in education settings. Your education setting may have a current assessment tool that enhances and supports this work and that helps in how you audit the education setting's approach. There is currently no expectation that you should duplicate your assessment or that this tool takes precedence over your existing approach. It simply provides you with a robust option that has been widely tested and aligns with the pre-inspection expectations of Estyn.

The tool has been developed with input from Estyn and meets the requirements expected by Estyn, but is not designed to be completed for inspection purposes only. The tool should be a continuous assessment of the effectiveness of an education setting's safeguarding arrangements.

The audit tool requires a process of evidence-gathering, including talking with learners and their families, discussing safeguarding with staff in the education setting and reviewing safeguarding incidents to learn what is working well and what needs development. This should be an ongoing process, so that there is a constant reflection, learning and updating of processes. You can use this audit tool either as part of a peer-review process, or for self-assessment. The tool encourages a peer-review approach, where settings offer 'critical friend' support to each other. Having someone from outside the education setting come in and go through the audit tool provides a valuable independent perspective that can enhance effective practice and highlight gaps.

As well as checking on whether you have robust safeguarding policies and practices in place, the tool asks you to make professional judgements on how effective and comprehensive they are. In order to make those judgements you will need to collect evidence, including talking to learners, colleagues, governors and parents/carers.

The summary sheet at the beginning is intended to allow you to provide a quick overview for staff, learners, parents/carers and governors on the strengths and weaknesses of the education setting in relation to safeguarding; the actions page will show them what steps are being taken to build on the strengths and address the weaknesses.

The guidance notes below have been written in line with *Keeping learners safe*.

1. How safe do learners feel?

The United Nations Convention on the Rights of the Child (UNCRC) sets out that children have a right to be safe and protected from harm, and have the right to express their opinions and participate in decision-making. In accordance with the UNCRC, the best way to understand how safe an education setting feels to learners is to ask them and observe how they and staff interact. A positive learner–staff relationship provides evidence that staff are friendly and positive about the education setting, and that learners are listened to and able to speak with confidence in the education setting.

The general atmosphere of the education setting is also a good indicator of how safe people feel. The kind of evidence that can help form your judgements include the physical environment and protocols for visitors but these measures alone are not enough to justify the feeling of safety. Reviewers should consider how the ethos and atmosphere of the education setting demonstrates a safeguarding culture and a level of care for each learner.

Equally, education settings should not assume that their learners are able to keep themselves and others safe. Appropriate site security measures should be taken to ensure the site feels safe and that parents/carers feel confident that appropriate measures have been taken.

2. How effectively do you communicate safeguarding issues and policies?

Effective communication is, in essence, an exchange of information that allows all involved to listen to and learn about each other. Therefore, it involves more than knowing that staff have access to, or have read, policies. It is important to check that learners, and those who come into contact with them, understand the purpose of information-sharing in order to safeguard and promote learners' well-being. It is also useful to assess how comfortable they feel about sharing information by reviewing, for example, recent communications.

It is important that all learners, parents, agency staff, support staff and governors are aware of the education setting's safeguarding policy, and that the policy sets out safe practices for all involved with the education setting. An indicator of effective communication is that learners, parents, carers and staff all understand what constitutes an unsafe situation and are aware of what they would need to do to keep themselves and others safe, and what to do if they have a concern. Checking that information is in a format and language that can be easily accessed and understood by all of the education setting's users is important, as is the regular review and updating of relevant information.

Education settings can also enable stakeholders, including children and young people, to participate in the development of policies through consultation approaches in line with the National Participation Standards (see www.childreninwales.org.uk/our-work/participation/participation-standards/). The whole community should also be aware of the human rights of children as laid out in the UNCRC.

3. How effective is your approach to safeguarding?

This section requires a review of the education setting's approach to safeguarding and its ability to effectively manage a safeguarding concern. This involves reviewing the extent to which staff members are confident about recognising signs of abuse, neglect and other kinds of harm, and their understanding of the steps to take in response and the need to act quickly. This should not be a matter of going through a checklist of issues and symptoms, but rather of assessing how confident people are about safeguarding learners, how alert they are to what is happening to individual learners and how open communication channels are. Reviewing recent incidents can help, looking at how long it took before a concern was raised, what happened, what action was taken and how quickly, and what the outcome was.

Incidents should be collected and recorded systematically so that the process is easily accessible to all staff, including a record of concerns (allowing, for example, people to spot multiple concerns about an individual), action taken and the outcomes. There should be a consistency of approach throughout the education setting for identifying and managing incidents. In particular, records for children identified as at risk should be up to date and of a high quality.

Check for a coordinated approach across the education setting around planning and delivering personal and social education (PSE) and relationships and sexuality education (RSE). The approach to RSE should be proactive in supporting learners to be aware of risks to their well-being and safety. The curriculum should support existing policy within the education setting on important issues and provide sufficient information on managing risk, e.g. in: sex and relationships; drug, alcohol and tobacco education; accident prevention; anti-bullying; online safety; extremism and radicalisation. Gathering evidence on how these issues are explored will help in assessing the effectiveness of the education setting's approach to safeguarding. It is also important to review the education setting's approach to physical intervention.

4. How robust are your safeguarding practices?

Robust safeguarding practices involve both whole-setting approaches that make safeguarding everyone's concern, and the specific focus of named people responsible for ensuring safeguarding policies and practices are being carried out. There should be a DSP with responsibility for safeguarding in the education setting whom everyone is aware of.

All staff should be competent and feel confident about implementing the protocols for securely managing incidences and dealing with disclosures. Safeguarding procedures should form a part of supervision and management processes. Staff should feel

supported in taking responsibility for safeguarding, knowing that any concerns they raise will be taken seriously, and that senior managers will back them up if needed.

The DSP should be aware of appropriate training and be given the time to attend training. All staff working with learners (including temporary, peripatetic and agency staff) should be aware of safeguarding procedures and have child protection training and Disclosure and Barring Service (DBS) checks. Any training and assessment of staff should be appropriately recorded and updated. It is also important that governors or board members know enough about safeguarding to be able to sufficiently challenge the education setting's safeguarding practices and satisfy themselves that safeguarding procedures are robust, particularly with regard to taking action and recruitment.

5. How effectively are you working with others to safeguard children?

Part 7 of the Social Services and Well-being (Wales) Act 2014 (see www.legislation.gov.uk/anaw/2014/4/part/7) includes provisions aimed to help promote more effective leadership and inter-agency collaboration, as well as ensure all agencies give sufficient priority to safeguarding. The Wales Safeguarding Procedures (see https://safeguarding.wales/) also emphasise that safeguarding is everyone's responsibility, and that the effective protection of children cannot be achieved by a single agency acting in isolation. The procedures clarify how individuals and agencies should communicate and work together in partnership to identify and keep children safe.

The education setting should be able to show clear records with the names of any staff or external agencies that the DSP has shared information with, what information was shared and the rationale for this. The DSP needs to ensure that parents/carers understand the education setting's need to share information and work in partnership with other agencies when there are concerns about a child's well-being.

When commissioning a service from another organisation, there should be robust mechanisms in place to ensure that these organisations have appropriate policies and procedures in place for safeguarding children and child protection.

Gathering evidence to inform your judgements

This section provides some examples of how you might form your judgements and the evidence you can collect to underpin them. It is not intended to be ticked off; but rather as a prompt to recognise what you do, and what more you could do.

Section 1
How safe does the education setting feel? **Evidence includes:** • learner/parent/carer questionnaires, discussions, suggestion boxes, school/student council sessions, NUS

- site security checklist and how it is used (e.g. do all visitors sign in and out and wear a visitor badge? Is proof of identity secured through photo ID?)
- listening education to break and lunchtime supervisors
- monitoring and evaluation systems to gauge the extent to which learners keep safe, adopt safe and responsible practices and deal sensibly with risk
- how risk is managed within the education setting (e.g. through discussion, risk assessments, role play and skills rehearsal) and what difference this makes
- risk assessments of external provision
- peer mediation and/or buddy programmes and their impact
- random checks with learners to see if they are confident they know how to access a trusted adult if they have any concerns
- reports/records on how the education setting acts on reported concerns raised by learners, parents/carers or other people (including feedback from those who have raised concerns)
- face-to-face participatory techniques to find out about children's and young people's experiences, e.g. facilitating a school mapping or community mapping activity with young people to find out where they feel safe and where they perceive risk.

Section 2

How effectively do you communicate safeguarding issues and policies?

Evidence includes:

- survey/questions to staff, governors, learners, parents/carers on awareness of safeguarding policy and approach
- curriculum content (e.g. in PSE and RSE)
- posters displayed relating to safeguarding and child protection themes with helpline numbers (e.g. for external agencies) and how helpful learners think they are
- training, advice and guidance given to learners on online exploitation (including commercial and sexual exploitation) and its impact
- assemblies, class discussions, etc., where safeguarding-related issues have been addressed, e.g. bullying, LGBT bullying, substance misuse, child sexual exploitation, child criminal exploitation, online safety, absence/truanting, violence against women, domestic abuse and sexual violence, preventing radicalisation, extremism, etc., and what learners say about them
- records of initiatives and promotional and awareness-raising activities and their impact, including lesson plans, assembly notes and circle time records
- a clear, accessible reporting and progressing system for raising and acting on safeguarding concerns and how effectively they are used
- minutes from staff meetings where safeguarding issues have been discussed
- minutes/records from school/student council meetings that have raised safeguarding issues
- copies of newsletters/website content
- letters/communications with parents/carers
- records of parent/carer meetings.

Section 3

How effective is your approach to safeguarding?

Evidence includes:

- records of concerns raised and how they are acted on
- asking learners who they would talk to if they had concerns and what concerns they have/would raise

- listening to vulnerable learners (e.g. care-experienced children, those with a care and support plan, young carers, those with additional learning needs) and those who have suffered abuse about how supported they feel
- listening to learners about experiences of bullying, harassment, prejudice and discrimination and how the education setting has/could support them
- asking staff about who they would talk to if they had concerns (including about colleagues, headteacher/principal, proprietor)
- reviews of any concerns raised in the past year, how they were recorded, how they were acted upon and the outcome
- behaviour management strategies and their implementation.

Section 4

How robust are your safeguarding practices?

Evidence includes:

- attendance records kept as evidence
- regular audits of training records to ensure all staff members have received safeguarding training (or induction in the case of new staff members)
- confirmation from external agencies that appropriate training has been provided, including refresher training
- records of the induction new staff received on the education setting's safeguarding procedures
- records on the induction and training that new staff, contracted/temporary staff have received
- audit trail of training for staff and governors and of when updates are due
- policy and practice on recording and storing child protection and safeguarding concerns, and actions arising

- policy and practice relating to transferring records when a learner moves education setting
- IT/paper storage safety policy
- minutes of governors' meetings where safeguarding is discussed
- a DBS audit
- analysis of any complaints and the education setting's response.

Section 5

How effectively are you working with others to safeguard children/learners?

Evidence includes:

- referral records to external agencies
- records/minutes of multi-agency meetings attended by the DSP or other staff
- records of information-sharing
- the quality of safeguarding/child protection files and records on vulnerable learners (e.g. up to date; accessible; accurate)
- examples of lessons delivered by the All Wales School Liaison Core Programme and their impact
- activities undertaken during anti-bullying week and their impact.

Policies

The school or college is likely to have a range of policies that are relevant to its approach to safeguarding and these can all help to provide evidence for the evaluation tool. They may include:

- anti-bullying
- online safety
- behaviour
- use of time out/use of physical restraint
- travel to and from school
- attendance
- inclusion/SEN/ALN
- meeting needs of children with medical conditions
- health and safety
- school equality plan
- safer recruitment
- professional conduct/communication protocols for staff
- dealing with allegations of professional abuse
- whistleblowing

Safeguarding audit

Summary

Completing this should be the final stage in the assessment process

Section 1	Red (action needed)	Amber (some action needed)	Green (no action needed)
How safe does the education setting feel?			
Section 2	Red (action needed)	Amber (some action needed)	Green (no action needed)
How effectively do you communicate safeguarding issues and policies?			
Section 3	Red (action needed)	Amber (some action needed)	Green (no action needed)
How effective is your approach to safeguarding?			
Section 4	Red (action needed)	Amber (some action needed)	Green (no action needed)
How robust are your safeguarding practices?			
Section 5	Red (action needed)	Amber (some action needed)	Green (no action needed)

How effectively are you working with others to safeguard children/learners?			
Actions summary	**Priority 1**	**Priority 2**	**Priority 3**
Section 1: Making the education setting safe			
Section 2: Improving how we communicate in relation to safeguarding			
Section 3: Developing our approach to safeguarding			

Section 4: Working better to safeguard learners			
Section 5: Working better with others			

Section 1	**Red (action needed)**	**Amber (some action needed)**	**Green (no action needed)**
How safe does the education setting feel?			
	No – action required in this area	**We need more evidence to answer question**	**Yes – as shown by evidence we have**
Do learners feel safe in the education setting?			
Are you effective in listening to and acting upon learners' safety concerns?			

Do parents/carers have confidence about safety in this education setting?			
Are there site security measures, including secure entry and exit points that help you feel safe?			
Are there good measures in place to ensure effective safeguarding for extracurricular activities or off-site provision?			
Are the identities of all visitors checked, and do they sign in and out?			
Are visitors made aware of your commitment to safeguarding?			
Actions: what needs to change?			

Section 2	Red (action needed)	Amber (some action needed)	Green (no action needed)
How effectively do you communicate safeguarding issues and policies?			
	No – action required in this area	**Need more evidence to answer question**	**Yes – as shown by evidence we have**
Is your safeguarding policy updated annually?			
Do you review annually how well your safeguarding policy and procedures work?			
Has everyone (learners, parents/carers, agency staff, support staff, governors) been given information on what is in the policy?			
Do the policies set out how, through teaching and pastoral support, staff can help to strengthen safeguarding and prevent abuse and neglect?			
Is safeguarding treated as a priority issue in the senior management team?			
Is safeguarding a regular item in staff meetings?			
Is safeguarding a regular item in student council meetings?			
Is safeguarding covered regularly in your newsletter?			

Are you confident that everyone recognises the child protection and safeguarding responsibilities placed upon them by *Keeping learners safe?*			
Are safeguarding policies and practices easily accessible and explained on your website in a user-friendly way?			
Actions: what needs to change?			
Section 3	**Red (action needed)**	**Amber (some action needed)**	**Green (no action needed)**
How effective is your approach to safeguarding?			
	No – action required in this area	**Need more evidence to answer question**	**Yes – as shown by evidence we have**
Are you confident that you are effectively identifying, recording and acting on safeguarding concerns?			

Are you satisfied with the level of pastoral and additional support available to learners, including any who are at particular risk or vulnerable?			
Are you confident that enough support is provided to learners who have experienced abuse, neglect or other kinds of harm?			
Do all staff know about the procedures for reporting absences or exclusions of learners who are looked after, on the child register or who could be at risk?			
Are you satisfied that the curriculum provides learners with sufficient information about safeguarding?			
Do you have an anti-bullying policy that is in line with the statutory Rights, Respect, Equality guidance (see gov.wales/school-bullying)?			
Do you have policies that address how to deal with the range of issues learners may be faced with?			
Do you have a policy on the use of photography and video recording? Are permissions collected from parents/carers and adhered to, and are images used and stored in accordance with safeguarding advice?			
Are safeguarding issues embedded into policies and practices that support attendance and behaviour?			

Are you confident about your processes for addressing abuse, prejudice, discrimination and harassment?			
Are you confident that your approach to physical intervention and restraint is appropriate? Is this reflected in your behaviour policy or a separate school policy?			
Actions: what needs to change?			
Section 4	**Red (action needed)**	**Amber (some action needed)**	**Green (no action needed)**
How robust are your safeguarding practices?			
	No – action required in this area	**Need more evidence to answer question**	**Yes – as shown by evidence we have**
Is there a DSP and a deputy responsible for safeguarding?			

Do staff/learners/parents/carers and outside agencies know who these people are (e.g. are they named on your website?)			
Are you confident that all learner's voices are heard?			
Are all staff clear about what to do if a child protection disclosure is made and how it must be reported, recorded and monitored?			
Would all staff know what to do if a concern was raised about a colleague, including about the headteacher/principal?			
Have all staff and volunteers had child protection and safeguarding training to help them identify signs of abuse? Do they know how to report concerns about abuse, whether it is in the learning setting, in the home or in other education settings? Is this regularly refreshed with suitable training, in line with your policy?			
Have the DSP and relevant governor(s) had recent safeguarding training that is relevant to their role?			
Are sufficient arrangements made for staff and volunteers absent during training?			
Are temporary, peripatetic and agency staff made aware of the education setting's safeguarding/child protection procedures?			
Is there a central register that records the safeguarding training that all staff have undertaken, including an assessment of effectiveness and impact with appropriate updates?			

Are safeguarding concerns shared securely with the DSP?			
Are records stored securely with controlled access that protects confidentiality?			
How well do staff understand their roles and responsibilities in keeping referrals confidential?			
Are all staff clear about how to discuss a safeguarding concern or issue with a learner?			
Do all staff (including temporary staff and unsupervised volunteers) have DBS checks, and are these updated as required by your policy?			
Is there a record that all staff appointed after 2002 have a Criminal Records Bureau (CRB)/DBS check and at the appropriate level?			
Are you confident that governors have sufficient knowledge to question and challenge safeguarding provision in the school?			
Actions: what need to change?			

Section 5	Red (action needed)	Amber (some action needed)	Green (no action needed)
How effectively are you working with others to safeguard children/learners?			
	No – action required in this area	**Need more evidence to answer question**	**Yes – as shown by evidence we have**
Do you inform parents/carers and learners of the support available within your education setting and via other services or community links?			
Have parents/carers and learners been informed of the education setting's need to share information with other agencies if necessary?			
Do you work with outside agencies to develop learners' awareness of safeguarding issues?			
Have relevant staff had training on working with other agencies in line with your policy?			
Are you confident that your education setting works effectively with other agencies in regard to child protection concerns?			

Actions: what needs to change?