



Department  
for Education

# **Keeping children safe in education 2021**

**Statutory guidance for schools and  
colleges**

**Annex a – Nonteaching staff**

**September 2021**

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# Summary

## What is the status of this guidance

This is statutory guidance from the Department for Education ('the Department') issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015, and the Education and Training (Welfare of Children) Act 2021. Schools and colleges in England **must** have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of this guidance children includes everyone under the age of 18.

## About this guidance

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

- statutory guidance [Working Together to Safeguard Children](#);
- departmental advice [What to do if you are Worried a Child is Being Abused - Advice for Practitioners](#); and
- [departmental advice Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#)

Unless otherwise specified:

- ‘school’ means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools<sup>1</sup> and pupil referral units.
- ‘college’ means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992, institutions designated as being within the further education sector<sup>2</sup> and providers of post 16 Education as set out

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<sup>1</sup> The [Early Years Foundation Stage Framework](#) (EYFS) is mandatory for all early years’ providers. It applies to all schools, including maintained nursery schools that have early years provision. Maintained nursery schools, like the other schools listed under ‘About this guidance’, must have regard to Keeping children safe in education when carrying out duties to safeguard and promote the welfare of children (by virtue of section 175(2) of the Education Act 2002 – see footnote 21 for further detail on this requirement).

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

in the Education and Training (Welfare of Children) Act 2021<sup>3</sup>: 16-19 Academies, Special Post-16 institutions and Independent Training Providers. For colleges, the guidance relates to their responsibilities towards children who are receiving education or training at these institutions.

## Who is this guidance for?

This statutory guidance should be read and followed by:

- governing bodies of maintained schools (including maintained nursery schools) and colleges;
- proprietors of independent schools (including academies, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust;
- management committees of pupil referral units (PRUs); and
- senior leadership teams.

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

## School and college staff

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

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

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<sup>3</sup> [Education and Training \(Welfare of Children\) Act 2021](#)

## **What does this guidance replace?**

This guidance replaces Keeping children safe in education 2020 updated January 2021.  
A table of substantive changes is included at Annex G.

# Annex A: Safeguarding information for school and college staff

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

## The role of school and college staff

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

## What school and college staff need to know

3. For the purposes of safeguarding, a child is anyone under the age of 18. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
  - protecting children from maltreatment;
  - preventing impairment of children's mental and physical health or development;
  - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
  - taking action to enable all children to have the best outcomes.

### All staff should:

- be aware of the systems in their school or college which support safeguarding, and these should be explained to them as part of staff induction. As a minimum this Annex and the child protection policy should be shared with staff at induction;
- receive appropriate safeguarding and child protection training (including online safety) which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (including online safety) (for example, via emails, e-bulletins and staff meetings), as required, and at least annually, to provide them with the skills and knowledge to safeguard children effectively;
- know the identity of the designated safeguarding lead (and any deputies) and how to contact them;

- know what to do if a child tells them they are being abused or neglected. This includes understanding they should never promise a child that they will not tell anyone else about a report of abuse, as this is unlikely to be in the best interests of the child; and,
- Should be able to reassure all victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

## What school and college staff should look out for

### Abuse and neglect

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

### Forms of abuse and neglect

6. **Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused by other children or adults, in a family or in an institutional or community setting by those known to them or, more rarely, by others.
7. **Physical abuse:** a form of abuse that may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.
8. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.
9. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually

inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Females can also be abusers as can other children. The sexual abuse of children by other children is a specific safeguarding issue (also known as peer on peer abuse) in education and **all** staff should be aware of it and their school or colleges policy and procedures for dealing with it.

10. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

11. All staff should be aware that child sexual and child criminal exploitation are forms of child abuse.

### Safeguarding issues

12. All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol misuse, deliberately missing education, serious violence (including that linked to county lines), radicalisation and consensual and non-consensual sharing of nudes and semi-nudes<sup>127</sup> (also known as youth produced sexual imagery) put children in danger.

### Peer on peer abuse

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

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

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);

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<sup>127</sup> Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive. [UKCIS](#) provides detailed advice about sharing of nudes and semi-nude images and videos.



- abuse in intimate personal relationships between peers;
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence, such as rape, assault by penetration and sexual assault;
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment;
- non-consensual sharing of nudes and semi nudes images and/or videos;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification or cause the victim humiliation, distress or alarm; and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

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

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

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

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

18. The designated safeguarding lead (or deputy) will generally lead on next steps, including who else, if anyone, in the school or college should be informed and whether to pass a concern to children's social care and/or the police. In some instances, staff may be expected to support the children social care assessment process. If this is the case, the designated safeguarding lead (or deputy) will support them.

### Why is all of this important?

19. It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have

repeatedly shown the dangers of failing to take effective and immediate action. Examples of poor practice includes failing to act on and refer the early signs of abuse and neglect.

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

20. If staff have safeguarding concerns about another member of staff (including volunteers, supply staff, tradespersons and visitors) they should speak to the headteacher or to another member of the school's or college's senior leadership team.

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

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

22. Appropriate whistleblowing procedures should be in place for concerns to be raised with the school or college's senior leadership team. Where staff feel unable to raise an issue with their employer or feel that their genuine safeguarding concerns are not being addressed [NSPCC whistleblowing advice line](#) is available. Staff can call 0800028 0285 – 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to: National Society for the Prevention of

## Annex G: Table of substantive changes from September 2021

This table explains where we made the changes (the section) and what the change was.

Summary	About the guidance
What is the status of this guidance	Added - KCSIE now applies to providers of post 16 education as set out Education and Training (Welfare of Children) Act 2021 Removed link to now withdrawn interim Covid-19 guidance. Added link to departmental advice Sexual violence and sexual harassment between children in schools and colleges.
About this guidance Who is this guidance for?	Added bullet to clarify that the guidance is also for senior leadership teams. Added new paragraph to explain that there is a condensed Part one of this guidance at Annex A. We want to give governing bodies and proprietors the freedom to choose the condensed Part one where they think it will be appropriate for those staff not working directly with children.
<b>Part one</b>	<b>Safeguarding information for all staff</b>
Part one	A number of paragraphs have been moved in Part one to improve the flow of this section.
Paragraph 13	Made clear that child protection policies should also include procedures for dealing with peer on peer abuse.
Paragraph 18	New paragraph making clear that victims should be taken seriously, kept safe and never be made to feel like they are creating a problem for reporting abuse, sexual violence or sexual harassment
Paragraph 31	Updated to reflect the new UKCIS guidance on the sharing of nude and semi-nude images which has replaced their sexting advice.
Paragraphs 32-35 Paragraphs 36-39	New additional information added on Child Criminal Exploitation (CCE) which includes information on how children can be exploited and makes clear that the experiences of girls being criminally exploited can be very different to boys, indicators of CCE may also be different for girls.

	New additional information added on Child Sexual Exploitation (CSE) which makes clear that CSE is a form of child sexual abuse and includes information on what it may involve.
Paragraph 44	Mental health - additional information on resources.
Paragraphs 46-50	Peer on peer (child on child) abuse – additional information added which highlights the importance of staff recognising the signs of peer on peer abuse and knowing how to respond to reports.
Paragraphs 51-52	Serious Violence - additional information on risk factors added
Paragraph 63	New paragraph which highlights the importance of social care assessments considering which includes measures to prevent bullying (including cyberbullying, prejudice-based and discriminatory bullying) of children being harmed outside the home on contextual safeguarding
Paragraphs 71-72	Record keeping – additional information added which makes clear what records should include
<b>Part two</b>	<b>The management of safeguarding</b>
Part two	A number of paragraphs have been moved in Part two to improve the flow of this section.
Paragraph 79	New paragraph relating to schools or colleges with charitable status
Paragraph 82 Paragraph 83	New section on 'Whole school and college approach to safeguarding' this makes clear the importance of safeguarding. Strengthened systems that should be in place and how they should be more child centric.
Paragraph 85	Reference to peer on peer abuse and reporting systems and added information schools and colleges should include in their child protection policy.
Paragraph 105	Additional information added which makes clear about powers to hold and use information when promoting children's welfare
Paragraphs 117 and 118	New paragraphs added on the importance of online safety training for staff and the requirement to ensure children are taught about safeguarding, including online safety.

Paragraph 121	New information added on a one stop shop for teachers which includes teacher training modules on RSHE
Paragraphs 123 - 135	New section covering online safety, remote learning, filters and monitoring, information security, cyber crime, reviewing online safety provision and information and support
Paragraph 141	Added reference to lower level concerns linked to section 2 of Part four.
Paragraph 143	New paragraph added on teacher dismissal and consideration whether to refer to the Secretary of State.
Paragraph 145	Further clarification on peer on peer abuse and makes clear there should be a zero tolerance approach to abuse
Paragraphs 155-156	New paragraphs that cover the use of school/college premises for non school/college activities.
Paragraphs 157-158	New paragraphs on alternative provision which makes clear that governing bodies and proprietors of these settings should be aware of the additional risk of harm that their pupils may be vulnerable to.
Paragraphs 165-168	New paragraphs to reflect elective home education.
Paragraphs 172-175	Additional information about DfE's programme to help schools with preventing and tackling bullying, mental health and behaviour in schools.
<b>Part three</b>	<b>Safer recruitment</b>
Part three	The whole of Part three has been substantively restructured to align it with the recruitment process- however legal duties have not changed.
Paragraph 212	Added information about the Education and Training (Welfare of Children) Act 2021 which extends safeguarding provisions to post 16 education.
Paragraph 213	Added information about the use of birth certificates (where available) to check an individual's identity.
Paragraph 229	Explanation about when separate barred list checks must be carried out.
Paragraph 237	Clarification about s128 checks.
Paragraph 242	Clarification on how to check prohibitions, directions, sanctions and restrictions, including children's barred list checks.

Paragraph 262	Clarification about overseas checks and what further checks could include.
<b>Part four</b>	<b>Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors</b>
Part four	<p>Following requests via the consultation for further information on low level concerns, we have separated Part four into two sections – Section one for allegations that may meet the threshold and Section Two for allegations/concerns that do not meet the threshold i.e. low level concerns.</p> <p>As such we have included in Section Two, information about concerns that do not meet the harm threshold. This includes what a low level concern is, making the link between low level concerns, staff code of conduct and safeguarding policies, and recording and sharing information with relevant parties including whether this information should be included in references.</p> <p>As of 29/07/2021 we have revised further to align new section with paragraph 74.</p>
<b>Part five</b>	<b>Child on child sexual violence and sexual harassment</b>
Paragraphs 428-434	A reminder that staff should read this alongside the Sexual violence and sexual harassment advice. Making clear that it can happen inside or outside of school and online.
Paragraphs 435-436	New paragraphs highlighting the importance of acknowledging and understanding the scale of harassment and abuse
Paragraph 441	New paragraph which highlights the need to be aware that children might not tell staff about their abuse and that it maybe that staff overhear a conversation or the child's behaviour changes etc.
Paragraph 442	New information to highlight that how a school or college responds to an incident will impact future victims of sexual violence or sexual harassment.
Paragraph 450	Highlights a zero tolerance approach to sexual violence and sexual harassment
Paragraph 452	Clarification about regularly reviewing actions e.g. for patterns of inappropriate behaviour and bail considerations.

Paragraph 454-455	New section on unsubstantiated, unfounded, false or malicious reports which provides a reminder about recording concerns and what to do when a report is found to be unsubstantiated, unfounded, false or malicious.
Paragraph 456	A reminder to schools and colleges that sexual assault can result in a range of health needs and signposts to sources of support.
Paragraph 464	Further information about harmful sexual behaviour and signposting to sources of support.
<b>Annex A</b>	<b>Safeguarding information for school and college staff</b>
	A new condensed version of Part one of Keeping children safe in education. It can be provided (instead of Part one) to those staff who do not directly work with children, if the governing body or proprietor think it will provide a better basis for those staff to promote the welfare and safeguard children.
<b>Annex B</b>	<b>Further information</b>
Child criminal exploitation and child sexual exploitation	Further information to clarify these types of abuse.
Modern slavery and the National Referral Mechanism	Additional information provided.
County lines	Additional information.
Cybercrime	New paragraphs added.
Domestic Abuse	Updated to reflect Domestic Abuse Act 2021 which will introduce the statutory definition of DA and recognises children as victims of DA in their own right.
Peer on Peer abuse	Additional information added.
Preventing radicalisation	Additional information provided on what terrorism looks like and more information on Channel.
<b>Annex C</b>	<b>Designated Safeguarding Lead (DSL)</b>
Information sharing and child protection file	Information added about keeping and storing records, where a concern about a child has been identified. Removed bullet points that were duplicated.

<b>Annex D</b>	<b>Online Safety</b>
	Added and updated links to further guidance.





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