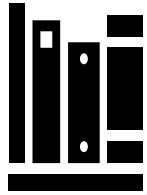# Governor Support Service

For all Governors :

An overview of the responsibilities regarding safeguarding and changes to KCSiE 2023

Rory McCormack
7th November 2023

Session Objectives

- To recap on specific roles of Governors
- To ensure all Governors are aware of their responsibilities regarding safeguarding of children
- To ensure all Governors are aware of the Governing board's statutory responsibilities with regard to safeguarding
- To ensure all Governors are aware off their responsibilities with regard to the safer recruitment of staff.
- To ensure that all Governors are aware of the changes to Keeping Children Safe in Education 2023.

Please note that this training is of a general nature and does not constitute or can be substituted for official safeguarding training.

Structure of training/presentation

1. Role of Governors – recap and context
2. Safeguarding and Governors – general run through of the areas we need to be aware of/are responsible for as Governors.
3. The Link Governor for safeguarding
4. Ofsted requirements
5. Safer recruitment
6. Keeping Children Safe in Education (KCSiE) 2023 – changes this year…

Role of the Governor

Governance handbook
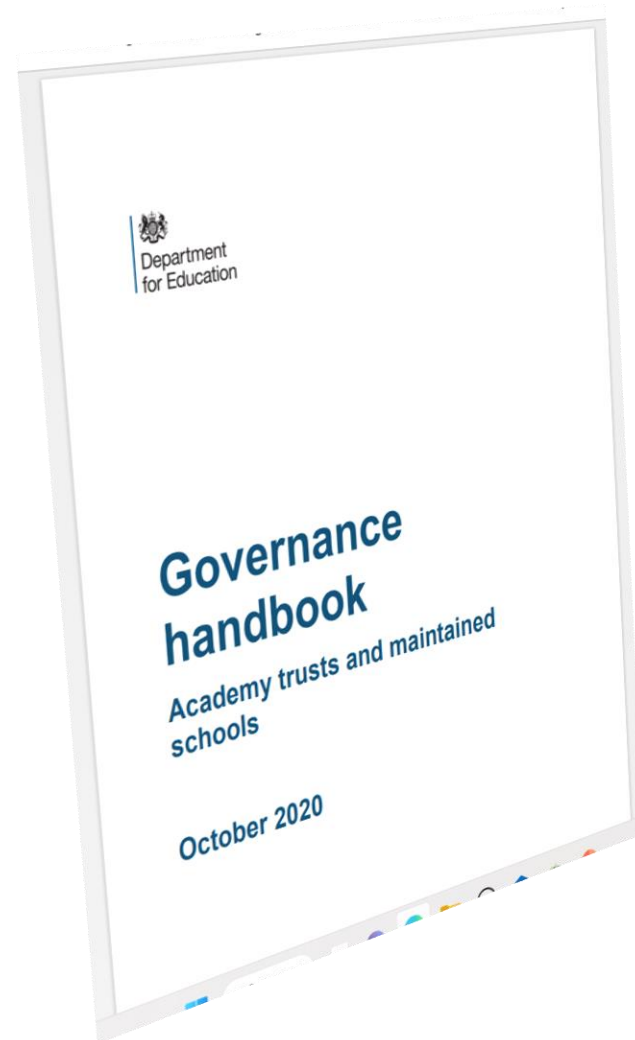
This is the key document in terms of what the responsibilities of Governors are

Role of Governors

Always keep in mind...

- Ensuring clarity of **vision, ethos and strategic** direction;

- Holding executive leaders to account for the **educational performance** of the organisation and its pupils, and the effective and efficient performance management of staff;

- Overseeing the **financial performance** of the organisation and making sure its money is well spent

The DfE Governance Handbook for
Academy Trusts & Maintained Schools

Role of Governors

❑ **ensure** that the vision, ethos and strategic direction of the school are clearly defined;

❑ **ensure** that the head teacher performs his or her responsibilities for the educational performance of the school; and

❑ **ensure** the sound, proper and effective use of the school's financial resources.

How do we **"ensure"** these things?

By :
❑ Seeking information
❑ Questioning that information conforms to our vision (strategy?) and our plans
❑ Fulfilling our statutory responsibilities
Q: How do these things relate to safeguarding?

The eight elements of effective governance

Governance handbook

197. Section 175 of the Education Act 2002, and the Education (Independent School Standards) Regulations 2014 place a duty on the boards of maintained schools and academy trusts to have arrangements in place to ensure that they:
• carry out their functions with a view to safeguarding and promoting the welfare of children; and
• have regard to the statutory guidance issued by the Secretary of State in considering what arrangements they need to make for the purpose of that section

Safeguarding responsibilities

Safeguarding

In broad terms, boards are responsible for ensuring that:

- Safeguarding policies and procedures are effective and comply with the law at all times
- All staff understand their roles and responsibilities and are able to discharge them.
- The board has sufficient knowledge and capacity to fulfil its safeguarding responsibilities.

Keeping Children Safe in Education (KCSiE) – more to come…..
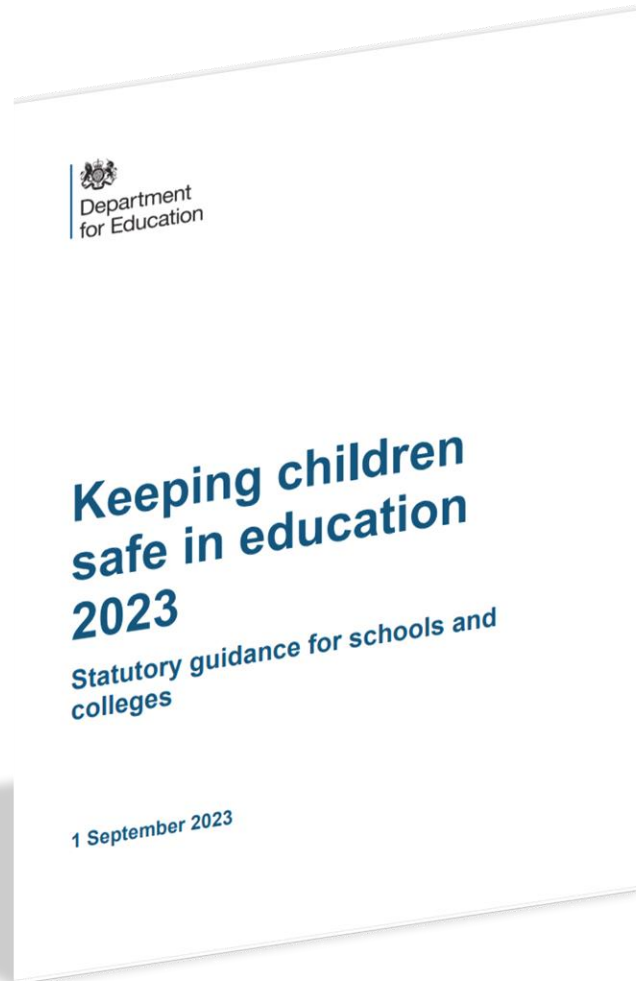
This document is published every September. All Governors should at least read **Part 1** or **Annex A** if not all of it…..

What does this mean in practice?

1. All governors/trustees receive appropriate safeguarding and child protection **training** (that includes online safety)
2. Relevant safeguarding **policies** are in place
3. The **safeguarding link governor/trustee** fulfils their role effectively
4. Safeguarding forms part of the board's **routine monitoring** schedule
5. **Effective communication** strategies are in place to help safeguard pupils.
6. The number and types of **safeguarding incidents are systematically monitored** by the board
7. The board's oversight ensures the **Single Central Record (SCR)** is up to date.
8. The board is confident that **pupils in their school/trust know how to keep themselves safe.**

1. Safeguarding training

- What specific training has taken place
- What has been the impact of this training?
- For all maintained boards at least 1 member of a recruitment panel to also complete **safer recruitment training (**also advisable for academies)
- Be aware of PREVENT training

2. Safeguarding Policies

These can include:
- Child protection policy
- Staff code of conduct
- Behaviour policy
- Whistle blowing policy
- Online safety
- Safer recruitment and selection
- Filtering and monitoring (new requirement KCSiE 2023)
- PREVENT

3. Role of the Safeguarding link Governor (more to come…..)

How is the role carried out?
- The link Governor interacts with the Designated Safeguarding lead (DSL) via termly meetings that are scheduled
- The link Governor reports routinely to the Board
- The link Governor keeps up to date via regular training.

4. Routine monitoring

- Dedicated safeguarding visits are likely to be undertaken by the safeguarding governor/trustee **(see slide 12)**
- Other "themed" visits should take into account safeguarding practices in line with other adopted policies e.g Behaviour Policy.
- There should be opportunity to comment on this on the appropriate adopted school visits form.

GOVERNOR SCHOOL VISIT REPORT FORM

Name of Governor: Dan Salem
Date of visit: 24/3/16
Focus of visit: Govenor Open Afternoon
Any issues discussed with Head/Teacher in advance of visit: No
Staff met: Red Class
Observations on focus of visit: DT week...kids making puppets. It was great to see them all engaged so much they were happy not to rush to playtime. Then all listened to feedback and got an understanding of the principles of planning and outcomes. Very impressed for the youngest members of the school
Any issues to be raised as result of visit: No...
Signed: Date:

5. Effective communication

The Governing Board monitors and has evidence that all staff and pupils are aware of who they need to contact if they have safeguarding concerns.

6. Safeguarding incidents are systematically monitored by the board

This includes the actions taken, the steps put in place to minimise future incidents.
This should be high level data which **does not identify** individuals or families but enables the board to see how policies work in practice.

7. Single Central Record (SCR)

There should be :
- Routine reports from the DSL (Designated safeguarding lead)/HT
- Evaluations from external reviews (could be by the L.A. or MAT or consultants employed by ether.
- Boards are not routinely required to audit the SCR though this could be a good way of fulfilling this duty.

8. Pupils in their school/trust know how to keep themselves safe.

Governors should know about/be able to identify:

- The opportunities pupils have to develop knowledge of how to stay safe
- The ways pupils are taught about how they can protect themselves online
- The school's approach to sexual harassment, online sexual abuse and peer – on - peer abuse
- How the school promotes appropriate standards of behaviour
- How the school delivers relationships, health and sex education. (RHS curriculum)

Questions?

BEING 'THAT' SAFEGUARDING GOVERNOR

Safeguarding Link Governor

Responsibilities of the Link Safeguarding Governor

Responsibilities of the Safeguarding Link Governor include:

· Keeping up to date with statutory guidance and any advice issued by the school's safeguarding partners

· Making sure the school has suitable and up-to-date policies for child protection, staff behaviour, and handling allegations against staff and volunteers

· Making sure the school has clear systems and processes in place for identifying pupils with possible mental health problems, including routes to escalate and clear referral and accountability systems – read the DfE guidance on mental health and behaviour in schools to get help with this

· Supporting the board to develop its understanding of its safeguarding responsibilities, and reporting back to the board about safeguarding issues and development

· Meeting regularly with the DSL to monitor policies and procedures, and check that all staff, governors and volunteers have had the appropriate level of training

· Monitoring the single central record with the DSL to make sure the school carries out appropriate recruitment checks

Responsibilities of the Link Safeguarding Governor

The Safeguarding Link Governor should:

a) be aware of the governing board responsibilities in relation to Safeguarding and that it keeps up to date with legal requirements, local and national guidance and policy in this area; keep the governing board aware of any new requirements, guidance or policy in relation to Safeguarding.

b) be aware of the school's Safeguarding Policy and be involved in its review and development

c) make sure that all staff and governors have read at least part 1 of KCSIE

d) make sure that all staff and governors receive regularly updated and appropriate child protection and Prevent training

e) ensure the school has policies and procedures in place that support safeguarding, including policies on child protection, pupil behaviour and staff behaviour

f) ensure the school has clear systems and processes in place for identifying pupils with possible mental health problems, including routes to escalate and clear referral and accountability systems

g) make sure that pupils are taught about safeguarding, including online safety

h) make sure that an appropriate senior member of staff is appointed as the designated safeguarding lead (DSL) and that there are sufficient trained staff to cover in his/her absence.

i) follow safer recruitment procedures to prevent people who pose a risk of harm to children from working with them. This includes section 128 checks on governors in maintained schools, and trustees and local governors in academies.

Questions?

Ofsted Requirements

The Inspection Handbook included from July 2022:

239. *('253' in 2023 Handbook).*
During the inspection, it is important that pupils are able to express their views freely to inspectors. Therefore, inspectors must have the opportunity to ==speak to pupils with no other adults present.==

Following this new inclusion, widespread anecdotal reports of:

1. 'heavy handed' inspectors robustly questioning lone pupils (including primary) about personal & sensitive subjects, including 'upskirting' 'sexting' and sexual abuse

2. Inspectors refusing HT requests for an 'appropriate adult' to be present during questioning of individual SEND and very young children

3. Complaints raised over distress this caused, including to quite young pupils, and of youngsters left feeling 'traumatised' and intimidated following the approach taken & subject matters discussed

Changes to handbook: Sept 2023 - safeguarding

This is the relevant section starting at **Para 367**

Changes to handbook:
Sept 2023 - safeguarding

Links to **new guidance** on
'***Inspectors talking to pupils on inspection***'
 which includes:

- for SEND pupils: inspectors should check whether any pupils require an adult to be present as a reasonable adjustment

- If school leaders insist that an adult from the school, or one nominated/approved by the school, must be present when inspectors are speaking to pupils, inspectors will consider pupils' feedback.

- If a primary or secondary school requests that inspectors do not speak to pupils about a topic that the inspector agrees is reasonable for the school to consider sensitive for its pupils, inspectors will not ask pupils questions about it.

Some have commented this does not go far enough!
Remember, the HT & GB have a duty of care for the wellbeing of all pupils, even during an inspection
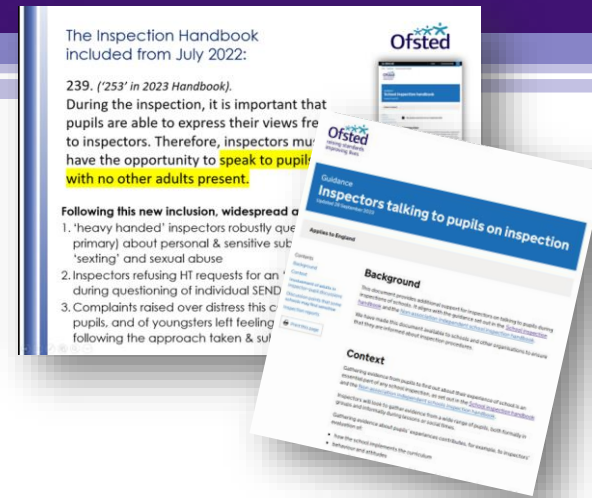
Changes to handbook: Sept 2023
- safeguarding

- Evaluating safeguarding culture

- Arrangements for handling evidence or allegations of abuse

- Evidence or allegations of abuse identified in the inspection

- Minor safeguarding improvements – refers to "administrative errors and out of date policies." **Can be rectified during the inspection.**

- Ineffective safeguarding – "serious or widespread failures in the school's safeguarding arrangements." *(Para 385 provides a "not exhaustive" list")*

- *If safeguarding is the only reason for an inadequate judgement, inspectors will return in 3 months and academy orders can be rescinded.*

Changes to handbook: Sept 2023 - safeguarding

Para 385:

While it is not possible to produce an exhaustive list, the following are examples of what may constitute ineffective safeguarding:

- insufficient action is being taken to remedy weaknesses following a serious failure of safeguarding arrangements

- safeguarding allegations about staff members are not being handled appropriately

- clear evidence of serious failures in safeguarding practice that lead pupils or particular groups of pupils not to be safe in school

- statutory requirements, such as breaches of the requirements for Disclosure and Barring Service (DBS) checks, are not being met

- pupils have little confidence that the school or setting will address concerns about their safety, including risk of abuse, because leaders have not taken their views seriously and/or addressed relevant concerns

- pupils, particularly vulnerable pupils, who are not on the school site (whether long term, temporary or for part of the school day) and the school are either not clear where those pupils are or are not able to give reassurances as to the appropriate steps taken to safeguard them when off-site. This can include children absent from education and children attending inappropriate, unregistered or unmonitored alternative provision.

Questions?
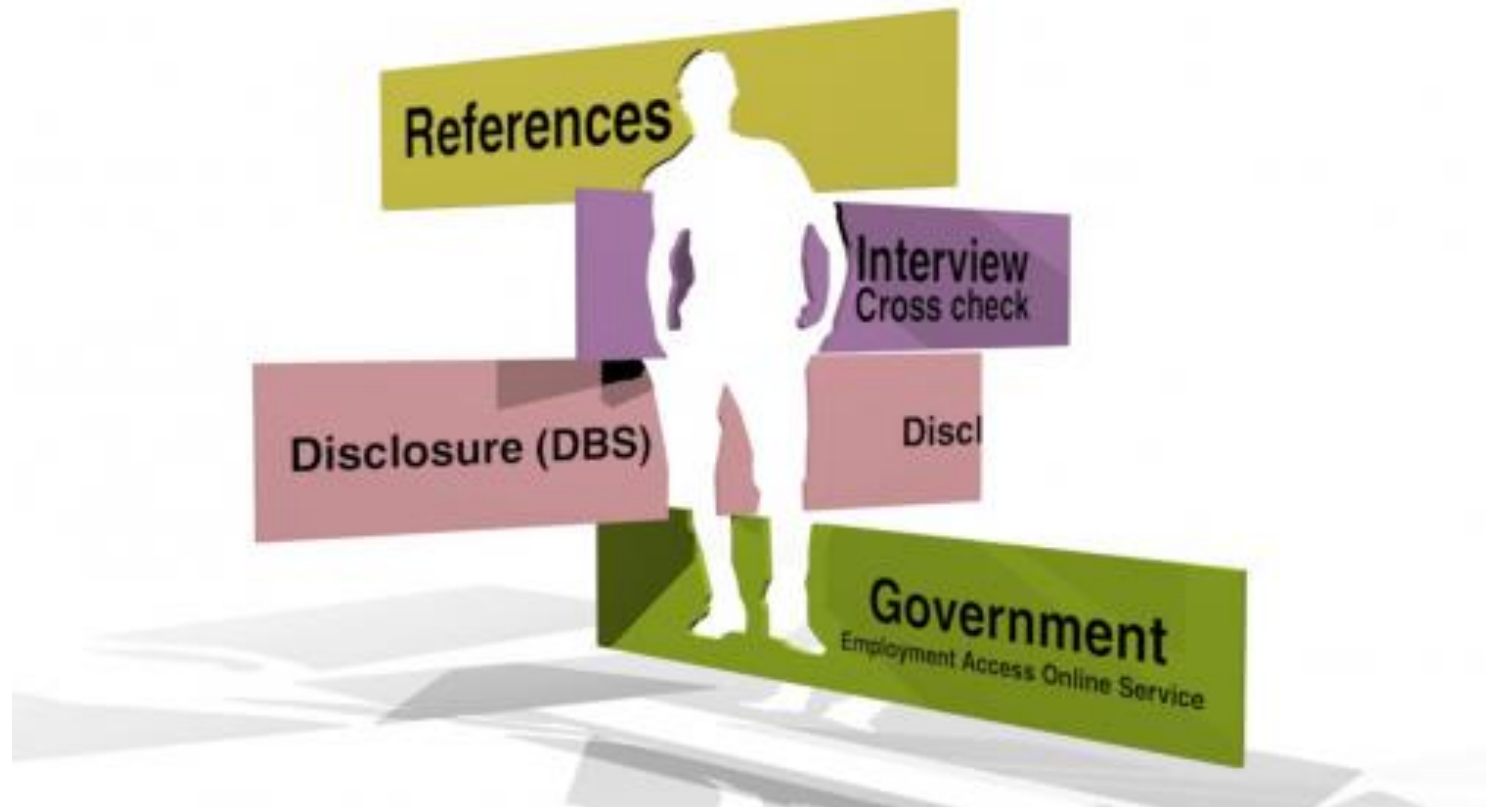
Safer Recruitment
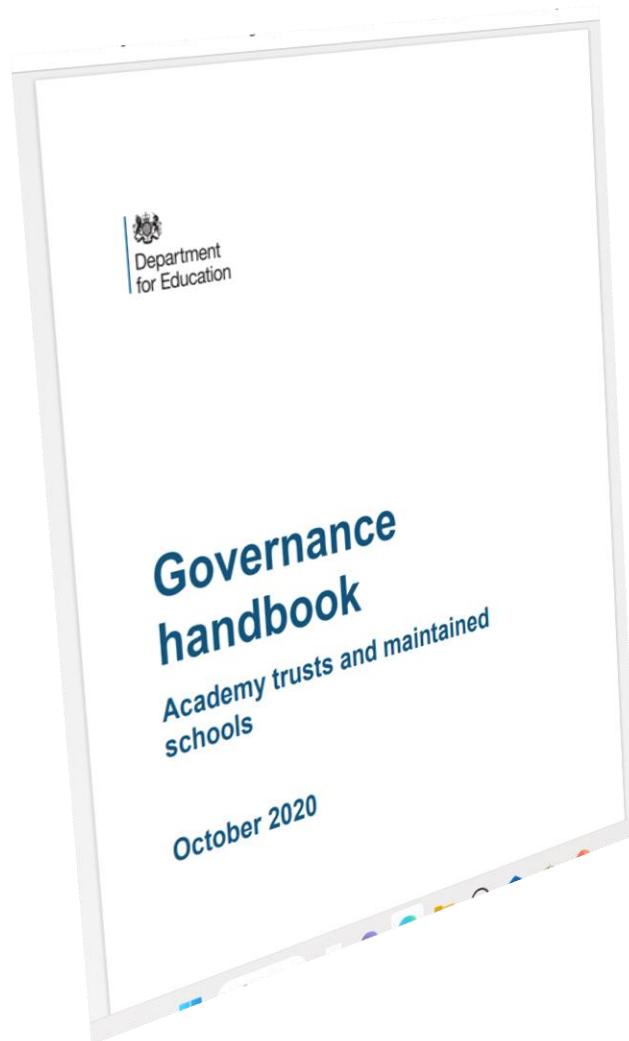
Safer recruitment

Para 113

"In relation to the appointment of staff, Boards must have regard to the requirements and important information set out in KCSIE which includes:

• the recruitment and selection process;
 • pre-appointment and vetting checks, regulated activity and recording of information;
 • other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings; and
• how to ensure the ongoing safeguarding of children and the legal reporting duties on employers."
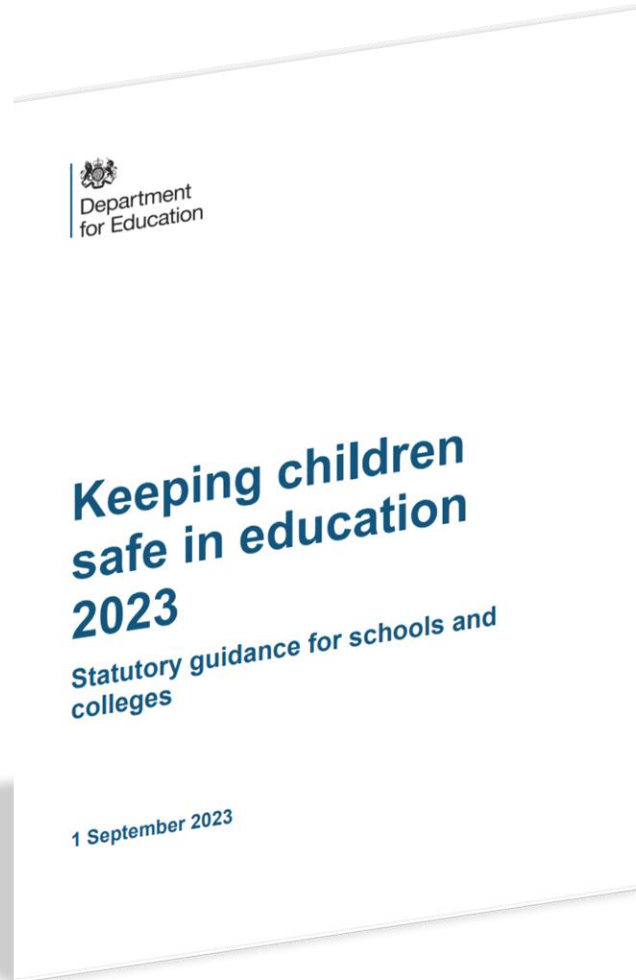
Safer Recruitment

Safer recruitment: KCSiE (2023: Sections 3: Para 206 – 302 pp 52 – 86)

This part of the guidance has four sections providing schools and colleges with the legal requirements '**must do', what they should do, what is considered best practice and important information about:**

 i. the recruitment and selection process

 ii. pre-appointment and vetting checks, regulated activity and recording of information

iii. other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings, and,

 iv. how to ensure the ongoing safeguarding of children and the legal reporting duties on employers

Safer Recruitment

Flowchart of disclosure and barring service criminal record checks and barred list checks
From, "KCSiE (2023)
p.66

208: Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children *have received appropriate safer recruitment training*, the substance of which should at a minimum cover the content of this part (Part three) of this guidance. (**KCSiE (2023)**

FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS

New Staff e.g. teacher or support staff in regulated activity

Is the person transferring from a similar position without a break in service of more than three months?

YES → There is no legal requirement to obtain a new enhanced DBS certificate (with barred list check) but one may be obtained. A barred list check must be obtained.

NO → An enhanced DBS certificate (with barred list check) must be obtained.

New Volunteer e.g. parent or author

Is the activity* carried out for the purposes of the school and does it provide the opportunity for contact with children?

YES → Supervised → YES → This is not regulated activity. There is no legal requirement to have to obtain a DBS certificate, but an enhanced DBS certificate may be obtained.

Supervised → NO → This is regulated activity. An enhanced DBS certificate with barred list check should be obtained.

NO → The person is not in regulated activity, but an enhanced DBS check may be obtained.
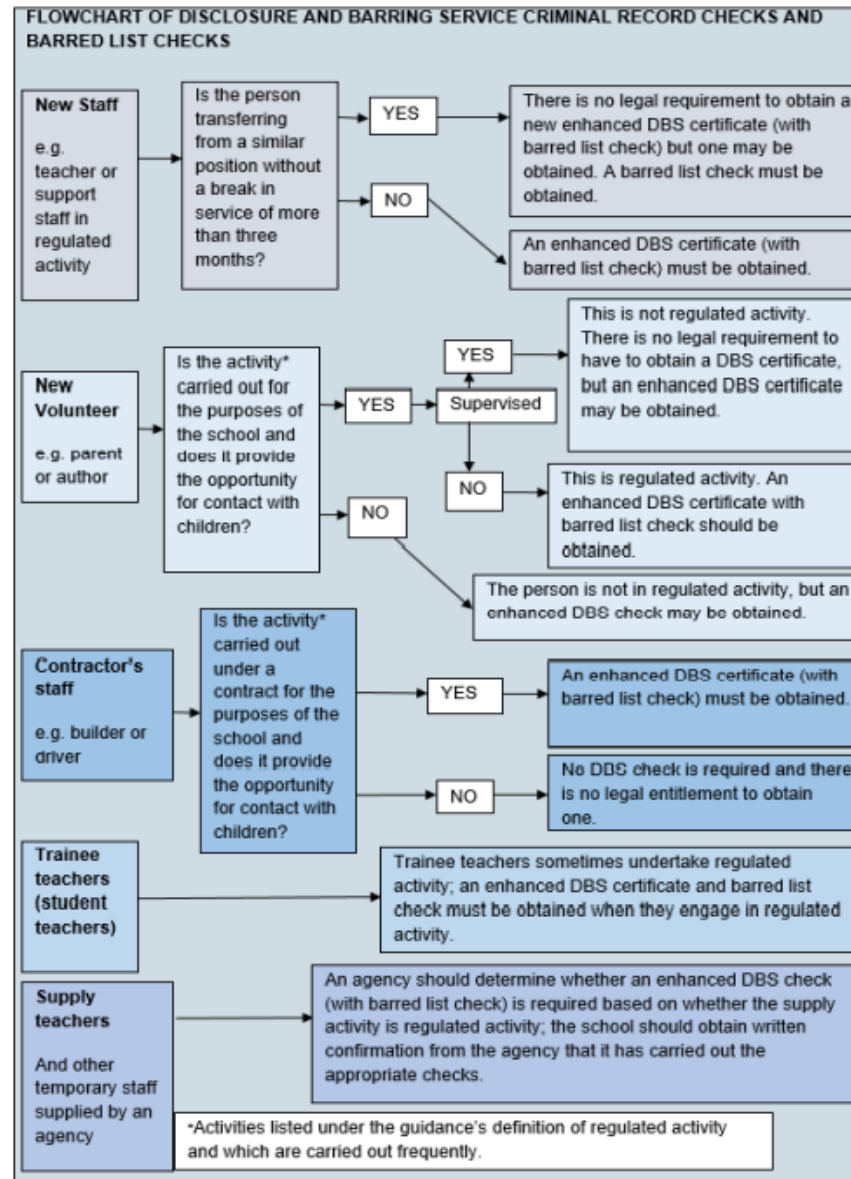
Contractor's staff e.g. builder or driver

Is the activity* carried out under a contract for the purposes of the school and does it provide the opportunity for contact with children?

YES → An enhanced DBS certificate (with barred list check) must be obtained.

NO → No DBS check is required and there is no legal entitlement to obtain one.

Trainee teachers (student teachers)

Trainee teachers sometimes undertake regulated activity; an enhanced DBS certificate and barred list check must be obtained when they engage in regulated activity.

Supply teachers And other temporary staff supplied by an agency

An agency should determine whether an enhanced DBS check (with barred list check) is required based on whether the supply activity is regulated activity; the school should obtain written confirmation from the agency that it has carried out the appropriate checks.

*Activities listed under the guidance's definition of regulated activity and which are carried out frequently.

Questions?

KCSiE 2023 – what we need to know – changes in 2023….

KCSiE – changes/updates in 2023

Updates made in 2023 include:
1. clarification around the roles and responsibilities of education staff in relation to filtering and monitoring
2. clarification that being absent, as well as missing, from education can be warning sign of a range of safeguarding concerns, including sexual abuse, sexual exploitation or child criminal exploitation
3. additional information on online pre-recruitment checks for shortlisted candidates
4. information on responding to allegations related to organisations or individuals using school premises

1. Filtering and Monitoring

Keeping children safe in education 2023
Statutory guidance for schools and colleges

1 September 2023
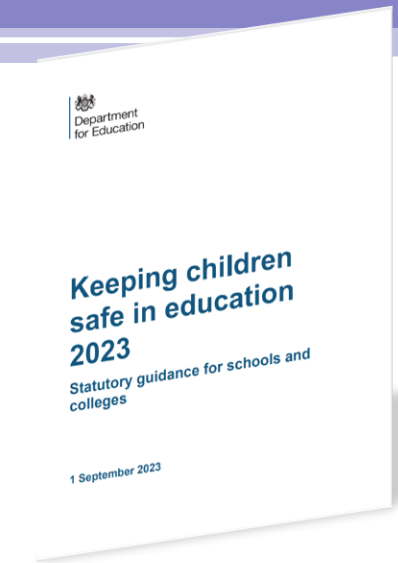
Filtering and monitoring

- The updated guidance makes it clear that all staff should receive training on the expectations, applicable roles and responsibilities in relation to filtering and monitoring.
- The designated safeguarding lead should take lead responsibility for understanding the filtering and monitoring systems and processes in place.
- Information on school child protection policies should include information on appropriate filtering and monitoring on school devices and school networks.
- The guidance signposts the Department for Education's new filtering and monitoring standards (DfE, 2023b), which support schools to have effective systems in place.
- Schools and colleges should consider meeting the DfE's Cyber security standards for schools and colleges (DfE, 2023c)

2. Absence as a warning sign

The updated guidance highlights that being absent, as well as missing, from education can be warning sign of a range of safeguarding concerns, including sexual abuse, sexual exploitation or child criminal exploitation.

Q: Do we as Governors question the attendance data we receive from the school?

Department for Education

Keeping children safe in education 2023
Statutory guidance for schools and colleges

1 September 2023
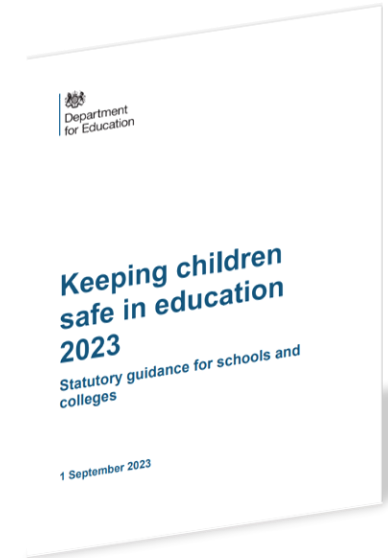
3. Recruitment

Updated guidance states that schools and colleges should inform shortlisted candidates that online searches may be done as part of pre-recruitment checks.

Q: Are we compliant as a Governing board regarding "Safer Recruitment (see previous section.)
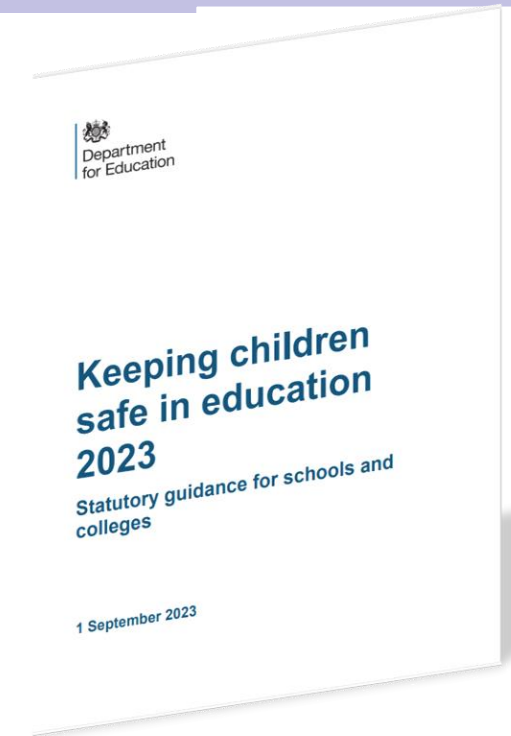
4. Organisations or Individuals using school premises

Updated guidance includes information on responding to allegations relating to incidents occurring when an individual or organisation uses a school's premises. As with all safeguarding allegations, schools should follow their safeguarding policies and procedures, including informing the Local Authority Designated Officer (LADO)

Department for Education

Keeping children
safe in education
2023
Statutory guidance for schools and
colleges
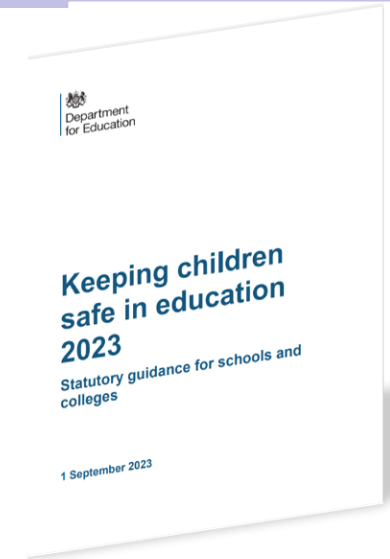
1 September 2023

Annex F

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

This table explains where we made substantive changes.

Summary	About the guidance
Part one	Safeguarding information for all staff
Paragraph 13	**Updated link to Behaviour in schools' guidance.**
Paragraph 14	New text added to raise awareness of the existing expectation for relevant staff to understand filtering and monitoring.
Part two	The management of safeguarding
Para 103	Added reference to filtering and monitoring.
Paragraph 124	**New text added to make clear staff training should include understanding roles and responsibilities in relation to filtering and monitoring.**
Paragraph 138	**Reference to child protection policies and appropriate filtering and monitoring on school devices and school networks.**
Paragraph 142	Added new section referencing the new published filtering and monitoring standards. The standards are to support schools meet their duty to have appropriate/effective filtering and monitoring systems in place, this is not a new burden.
Paragraph 144	Reference to cyber security standards.
Paragraphs 167	Updated to reference Keeping children safe in out-of-school settings.
Paragraph 175	Clarification provided on the difference between children missing education and children absent from education.
Paragraph 202	Additional signpost to specialist organisations for children with special educational needs and disabilities.
Part three	Safer recruitment
Footnote 221	Clarification that it is good practice for schools to inform shortlisted candidates that online searches will be carried out.

Paragraph 276-277	**Paragraph re-ordered to flow better.**
Part four	**Allegations/concerns**
New heading and paragraph	Organisations or individuals using school premises.
Part five	Child-on-child sexual violence and sexual harassment
Throughout the guidance	**Revised to reflect wording in behaviour guidance.**
Annex A	Safeguarding information for school and college staff
	Revised to reflect changes in Part one
Annex B	**Further information**
Children absent from education	Revised to reflect the difference between children absent from education and children missing education.
Forced Marriage	Reflects change in law from February 2023
Child Exploitation	New reference to multi-agency practice principles

Department for Education

Keeping children safe in education 2023

Statutory guidance for schools and colleges

1 September 2023

A useful guide for KCSiE

Keeping children safe in education – updates from 2022 and 2023

CASPAR briefing on key updates to statutory guidance for schools in England made in 2022 and 2023

September 2023

Background to the statutory guidance

The Department for Education (DfE) published an updated version of the statutory safeguarding and child protection guidance for schools in England, Keeping children

Questions?

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throughout the borough and beyond

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