



**namss** National Association for  
Managers of Student Services

# Department for Education

## Keeping children safe in education consultation

### Association of Colleges response

22 February 2018

## Section 1

### 5. Is the additional information on early help at paragraph 17 helpful?

No

#### **Please give the reasons for your answer above:**

The list is not particularly useful, it omits a number of key vulnerable groups. If the wording read 'some students may be vulnerable' it would remove the need for a list and have more meaning for the user.

Some statements would benefit from revision e.g. 'any child may benefit from early help' is very general so needs clarification.

This section should also recognise that disabled children and any child who requires a significant level of support from the local authority will be children 'in need' and so entitled to statutory assessment by children's services under section 17 of the Children Act 1989.

### 6. Have the changes to paragraphs 22-35 improved the clarity of this section?

No

#### **Please give the reasons for your answer above:**

Generally, colleges felt that the new paragraphs could be seen as tokenistic and did not improve the clarity of this section.

It is important to note that schools and colleges should follow their own agreed Child Protection policies, protocols and processes as agreed via their governing bodies.

Therefore, we recommend adding a statement to reflect this to paragraphs 22 and 23. The first sentences of paragraph 23 and paragraph 24 should be added with the bullet point list.

Paragraph 24 suggests that a referral for statutory services would be appropriate if the 'child is in need'. However, one of the outcomes of a referral to children's services may be that the child is not in fact a child 'in need'. As such the threshold for a referral should be that the child 'may be a child in need'.

Please note paragraph 25; "...if deputy not available". It is a requirement that a designated person should always be available / contactable during opening hours.

We would avoid the implication that it is acceptable that this is sometimes not the case. Out of hours protocols should be made clear within policy.

We suggest that, in paragraphs 22 and 24, the terminology 'help staff decide what to do next' is changed as the implication is that staff per se make safeguarding decisions, which is not the case. We would suggest that staff are advised to contact their Designated Safeguarding Lead (DSL) or Deputy following the School/College policy.

Please refer to paragraph 26; this seems to reflect a lack of understanding of the DSL role. For the purposes of this document, the staff should always refer to the DSL / Deputy DSL.

Paragraph 27 – the final sentence under the 'Children in need' heading should be amended to reflect the fact that all children in need are entitled to a statutory assessment, as the House of Lords confirmed in R (G) v Barnet LBC [2003] UKHL 57. In paragraph 27 please add a link to Gov.uk. Additionally, a local search facility would be useful here.

Paragraph 28 – the phrase 'local criteria for action' does not appear in Working Together. If this is a reference to the local authority's threshold document (Working Together, para 18, p15) then this should be made clear.

Including links in paragraph 30 to report abuse would be useful. Bullet points 2 and 3 should link to paragraph 27 for clarity.

In paragraph 35 reference is only made to teaching staff e.g. "if a teacher discovers that". This also applies to support staff and non-teaching staff in educational settings, so needs clarification. As the legal duty refers to 'teacher' we advise adding 'and other staff'.

General concerns were raised about the implication in this section that the member of staff routinely has a lead role in safeguarding cases (as opposed to emergency situations only) whereas school and college policy directs staff to refer to DSLs.

We agree that there should be a line that in an emergency or urgent situation staff can act quickly (paragraph 29 covers this).

Please note there are processes such as the NSPCC whistle blowing line which can be used if a staff member feels that a DSL hasn't dealt with a situation properly – this is in paragraph 41 but we suggest it could be included this section.

**7. Does your school or college already hold more than one emergency contact number?**

Not applicable

**8. Is suggesting schools go beyond the legal minimum a sensible approach?**

Yes

**Please give the reasons for your answer above :**

Colleges tend to hold multiple numbers including the student's own number where possible.

It was also noted that data protection legislation does not mention age or discriminate between children, young persons and adults. The Information

Commissioner has advised that children as young as 12 can make decisions about keeping their personal information private. To this end, Data Protection

Policies specifically precludes the disclosure of student information to any person by a member of staff without the express and prior consent of the data subject in question. Furthermore, pursuant to section 4 of the 1996 Education Act; the Education (Pupil Information) (England) Regulations of 2005 do not apply to Further Education Colleges and therefore do not place any obligation upon colleges to disclose information to parents, carers or guardians of students who are over the compulsory school age of 16.

Serious safeguarding concerns may override the requirements of data protection legislation but it 'may' present an issue if a 16 or 17-year-old chooses not to provide a number for a parent / guardian at enrolment.

It was agreed that this is a good suggestion and that if a legal requirement for two numbers (one of which could be for a friend or family member) was set, this would aid compliance.

**9. What changes can we make to Annex C to help schools and colleges keep their pupils safe online?**

**Please comment:**

There was comment about the brevity of this section (in comparison to other annexes in this document) which does not reflect the significance of the issue.

It outlines the risks and vulnerability but does not state which groups are more vulnerable than others.

We advise to shorten part 1 which goes to the members of staff but give more detail in the Annex which will be used by safeguarding staff.

Youth Produced Sexual Imagery (YPSI) is now a term used for 'sexting.' We would advise clarification on which term should be used. We felt that the issue goes beyond 'texting' and therefore YPSI should be the term used within this document.

Annex C requires further revision to include more information on resilience and education, including embedding within the curriculum. This section would also benefit from including advice on students keeping themselves safe on line e.g. privacy settings etc, with reference to new Government recommendations and legislation e.g. Digital Economy Act. New consultation for PHSE only applies to schools, which is most disappointing for colleges. Reference to the new PHSE Statutory Guidance should be included in this document.

**10. Do you have any comments on the effectiveness of the sexual violence and sexual harassment advice?**

**Please comment:**

This is too lengthy and should be incorporated into the main body of the document.

**11. Do you have any comments on the effectiveness of the sexual violence and sexual harassment advice at Annex A of KCSIE, including whether the summary is of an appropriate length?**

**Please comment:**

We advise keeping full details in the annexes for DSL use and reducing the length of the sections for general staff.

**12. Which of the following options would you support?**

Move the advice to a new "Part 5" of KCSIE which addresses peer on peer abuse and withdraw the standalone advice

**Please give the reasons for your answer above :**

The importance of this section was agreed and it was recommended that it should not be standalone but should be part of the main document as an annex. We would also recommend a part 6 for online safety.

There should be more clarity in the sexual harassment advice on the need for colleges to suspend one (or occasionally both) parties when allegations have

been made. Sometimes this is necessary for the police to conduct investigations. The guidance could make clearer any duties on the police to take reasonable steps to complete their enquiries in an efficient time frame to not overly lengthen a young person's absence from college. Equally, information sharing duties on police services to share information that would help the college undertake an appropriate risk assessment to decide whether the students should be in college – and if so, with what adjustments.

### **13. Is making the link between children with SEND and considerations regarding restraint helpful?**

Yes

#### **Please give the reasons for your answer above:**

Yes, it is helpful to link this document to children with SEND although it is limited to restraint. It should also include reference to schools and colleges following their own policies and the need to refer to risk assessments and care plans of each child or young person with SEND.

The Statutory Guidance: Use of Reasonable Force should explicitly state that it is only in relation to schools and sixth form colleges. General FE colleges are not governed by this Statutory Guidance in this respect. Instead General FE Colleges are directed to look at Section 85C Further and Higher Education Act 1992, which explains when staff members can use reasonable force in certain specified circumstances, although there is nothing specific here about a child or young person with SEND. Accordingly, further clarification is required for the FE college sector. Alternatively, FE Colleges need to be included in the Statutory Guidance: Use of Reasonable Force.

The section on children with SEND should also emphasise the importance of compliance by schools and colleges with any Education, Health and Care Plan the child may have. It would also be helpful to flag section 66 of the Children and Families Act 2014, which requires the responsible authorities for schools and colleges to use their best endeavours to secure that the special educational provision called for by the pupil's or student's special educational needs is made. This is relevant because ensuring a child or young person's special educational needs are met will reduce their vulnerability to all forms of abuse at school or college while helping improve their capacity to keep themselves safe more generally.

The definition of a 'care leaver' in footnote 33, p26 is incorrect. This definition needs to recognise the difference between an 'eligible' child, a 'relevant' child and a 'former relevant' child.

**14. Do you have any comments on any other changes made to Part one and Part two? Please be clear as to which section and paragraph you are referring.**

**Please comment:**

The overall key point would be to shorten part 1 and amend the annexes so that they are more detailed.

We propose that the KCSIE guidance in relation to what FE Colleges should do in relation to 'Missing In Education' is included in Part 2. Just because a child reaches 16 years of age and transitions to a general FE College this does not suddenly make them any less vulnerable than a child under the age of 16, particularly if they have SEND. Additionally, the reference to how colleges should deal with 'children missing education' in Annex A is limited to those children who are aged 14-16 and being educated full-time in a FE or sixth form college. It needs to be extended to children and young people aged 16 years and over.

We also suggest the Children Missing Education Statutory Guidance itself is updated to include children and young people aged 16 years and over in FE Colleges.

**15. Do the changes now make clear what information must be recorded on the SCR?**

Yes

**Please give the reasons for your answer above :**

The changes do now make it clear what information must be recorded on the SCR. However, the revised Guidance only refers to 'schools' and should include reference to 'colleges' (which includes FE colleges and sixth form colleges) as well (para 131).

**16. If, in future, the requirements for what schools and colleges must record on the SCR were reviewed, is there any other information that you think should be recorded?**

**Please comment:**

No – we cannot think of any additional information from what is currently listed in the KCSIE Guidance that would enhance the chances of keeping children safe.

**17. Is the revised Annex E clear about a school or college's responsibilities when arranging exchange visits?**

No

**If not, which parts are unclear?:**

Yes, it is clear that the Guidance at Annex E recommends that colleges should obtain an enhanced DBS Certificate of host families but there is no requirement that they must do this. It would be impractical to obtain an enhanced DBS certificate for all adults in host families. We propose that a risk assessment is recommended to be carried out to determine whether an enhanced DBS check should be carried out and would suggest that this advice is incorporated into the final guidance.

Clarity is required on whether adults in host families abroad should have any formal safeguarding checks carried out when students take part in an exchange. For clarity it should be stated that no DBS checks are required for adults in host families abroad but that schools and colleges should (rather than are simply 'free to') contact the relevant foreign embassy or High Commission of the country in question to discuss what formal checks are (rather than 'may be') possible so that schools and colleges can take proportionate steps in carrying out the necessary checks.

A list of the countries who have formal checks available should be included for quick and easy reference alongside how to complete such checks including links to the relevant authority/website.

## **Section 2**

**18. Does this section make clear the differences between prohibitions, directions, sanctions and restrictions and when they would prevent an individual from being employed in a particular roles?**

No

**If not, which part is not clear and why? :**

The difference between Prohibitions and Directions is clear along with when they would prevent an individual from being employed. However, the difference between Sanctions and Restrictions is less clear as is when they would prevent an individual from being employed. Whilst the Guidance sets out the difference between the GTCE and EEA imposed Sanctions and Restrictions it doesn't make clear what the differences are and it doesn't provide advice as to when such Sanctions and Restrictions would prevent an individual from being employed. Furthermore, an issue has been raised on numerous occasions in relation to whether FE Colleges need to carry out prohibition checks (through the Teacher Service Checking System), particularly since a Financial Memorandum was issued to FE Colleges in July 2017 by the EFSA. The Statutory Guidance does not provide for such checks in FE colleges.

The guidance states (p.32) at: '109. Teaching prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting'.

The intention of EFSA in issuing the Financial Memorandum is clearly to ensure that FE Colleges also carry out such prohibition checks in order to keep children and young people safe in education. Indeed, the DFE has amended a footnote to paragraph 119 of the KCSIE Guidance referencing the EFSA's requirement that FE Colleges 'take reasonable steps to establish whether a person is subject to a prohibition order'. We therefore suggest that the KCSIE Guidance is updated to explicitly and specifically include reference to FE Colleges also being under a duty to carry out prohibition checks, rather than simply having it as a footnote which is somewhat ambiguous and does not direct attention to the issue.

A further issue raised is whether FE Colleges should record whether a prohibition check has been carried out or not. The KCSIE Guidance currently provides that colleges (including FE colleges) must indicate whether a prohibition from teaching check has been carried out (para 129) and goes on to state at para 134 that the Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006 set out the details of the records that must be kept.

Whilst the Regulations refer to a prohibition check that must be carried out under s142 Education Act 2002, we understand this was repealed in 2006 and not replaced with any other legal requirement for FE Colleges to report that they have undertaken such a check on the Single Central Record, as suggested in the KCSIE Guidance. Essentially then the Guidance needs amending to specifically include the requirement for a prohibition check carried out in line with EFSA funding agreements to be added to the Single Central Record as opposed to simply referencing Regulations 20-25 of the FEPEE Regulations 2006.

In the proposed new Guidance, the Government has included a footnote at para 119 regarding the EFSA funding agreements which refers to it requiring FE colleges to take reasonable steps to establish whether a person is subject to a prohibition order. We take this to mean a prohibition check is required and so should be included in the Single Central Record.

Therefore, if colleges are carrying out prohibition checks then according to statutory guidance KCSIE they must record this on their Single Central Record.

However, there is still no current legal statute that requires a Prohibition Check to be recorded in the Single Central record due to Section 142 EA 2002 being repealed.

It would be appropriate to have clarification on this to ensure all FE and sixth form colleges are able to comply with the statutory guidance, currently paragraph 134 refers to out of date regulations.

**19. Does this section make clear how checks for prohibitions, directions, sanctions and restrictions can be made?**

Yes

If not, which part is not clear and why? :

**20. When recruiting staff who have worked in a school in England during the three months prior to their appointment, does the revision make clear the circumstances in which a check must be undertaken?**

No

**If you feel the revision does not make this clear, please explain why it does not.:**

The wording in paragraph 121 is unclear and may be better understood if presented as a flowchart, similar to the DBS and Barred List Check flowchart, as well as in the written form.

Alternatively amend the wording to 'There is no requirement to obtain an Enhanced DBS certificate or carry out checks for events that may have happened outside the UK if in the 3 months prior to their appointment the applicant has worked...'

**21. Do you have any evidence to suggest that information about criminal activity that would have been relevant to an individual's suitability to be employed would not be obtained as a result of only undertaking a barred list check?**

Yes

**22. If your answer to Question 21 is yes:**

**a) What action would you take if new information emerged?:**

It is considered that details of cautions/convictions as a result of such activity as being in possession of and/or taking drugs as an example will raise questions as to the suitability of an adult to work with children and young people or vulnerable adults and the organisation's responsibility to safeguard the students from harm.

The list of “relevant offences” which trigger being placed on a barred list are not as wide so as to cover all circumstances to identify such relevant criminal activity. Therefore, an Enhanced DBS must be obtained in all cases where the person was engaged in regulated activity.

The person would be interviewed to obtain further information about the circumstances of the conviction/caution and a decision would be taken as to whether they presented a risk to the safety of the pupils and or students.

It would be helpful if the revised KCSIE guidance accurately stated what level of DBS checks are required for Support staff roles in an FE College i.e. is it Enhanced Other Workforce or Enhanced Child workforce, with or without the relevant barred lists checks dependent upon the role.

**b) If that new information had been available to you sooner, would it have altered your decision to appoint that individual? :**

The information provided by the person would inform whether they would continue to be employed i.e. it is reviewed on an individual basis. If it was deemed that the employment should not continue, on the grounds of the risk to the safety of the pupils or students, then appropriate steps would need to be taken to ensure that any dismissal was managed in accordance with current legal requirements.

**23. When recruiting staff who have worked in a school in England during the three months prior to their appointment, is your school or college's normal practice to request an enhanced DBS certificate in all cases?**

Not applicable

**If your answer above is yes, please give further details of why your school considers this necessary :**

Not in all cases. Many member colleges were asked about this consultation and the response varied from college to college. A view will be taken as to whether to conduct a further check, depending on how long ago the check was completed e.g. if the check was conducted in the last six months a new check would not be requested. If it was completed five years previously, it would be requested. Others said yes with some agreed exceptions which include showing an understanding that there are alternative means of verifying – at least until official certificate comes through.

Furthermore, some members colleges felt that if a person is subject to an accusation or investigation at the time of leaving, this might have led to other information being available on a DBS check. Also, a criminal event could have occurred since the last enhanced DBS check was undertaken and therefore it is

their policy to check all new starters.

It is our view that the Guidance needs to be amended to provide clarification on when all new staff should undergo an enhanced DBS check.

**24. Is the flowchart clear about when you must/should carry out a DBS check?**

Yes

**If you answered no above, please explain why it is not clear :**

Yes, we like it. The flow charts were very helpful throughout the document

**25. Does KCSIE provide sufficient information to assist employers to ensure references and CVs are accurate and complete, including where they are received electronically?**

No

**If you answered no above, what do you think is missing?:**

Yes – although would be easier to read as bullet points.

Additionally, given the basis of the statutory guidance, it is important that schools/colleges must specifically seek information from previous employers as to the suitability of the candidate to work with children/young people/vulnerable adults, and whether any formal action had been taken in respect to the individual and safeguarding concerns.

However, in reality, the value of references in assessing potential employees' suitability to work with children/young people/vulnerable adults is limited. Many organisations will simply provide dates of employment which, whilst enabling the school/college to check the accuracy of the employment dates, have limited value.

The proposition that references should be obtained prior to interview is quite simply unachievable from both a resource perspective and since the majority of applicants are simply not willing to give permission for schools/colleges to contact their current employers unless they have a substantive job offer. The wording should be rephrased to say, 'where practicably possible references should be sought on all short-listed candidates..... Where this is not practicable, references must be obtained once an offer of employment has been made and accepted and prior to employment commencing'.

**26. Have you ever established that an applicant has provided inaccurate information as part of a reference or CV?**

Not applicable

**If you answered yes above, please give details :**

Members identified rare occasions where a person had enhanced the levels of qualifications on their CV or application form. All qualifications relevant to the job role should be validated.

Also, there are occasions where candidates have stated their time in employment as being different from information we have validated from references i.e. someone was dismissed from employment but this was not included on their CV.

Members felt that validating all information on a CV or reference would be very difficult to do, particularly if the potential employee had had many jobs or had been in employment for many years.

**27. Do you consider that it is possible to provide a reference which includes information about an unsubstantiated allegation that is fair, factual, accurate and free of conjecture?**

No

**If you have answered yes above, what information do you consider could be included and in what circumstances?:**

No. Any safeguarding allegation should be investigated and, if inappropriate conduct is not found, it should not be included in a reference. If we were concerned we would investigate an Independent Safeguarding Authority (ISA) referral but we would not put this in a reference.

### **Section 3**

**28. How easy is it for you to identify information that would enable you to identify relevant events that may have taken place abroad?**

Not easy

**Please give the reasons for your answer above:**

It would not be easy. The government provides details of countries where you are able to obtain Certificates of Good Conduct. However, this does not apply to all countries. In these situations, it simply is not possible to be 100% certain that the individual does not have a criminal conviction or caution which may affect their suitability to work with children/vulnerable adults. Additionally, the time it takes to obtain these Certificates of Good Conduct can be extremely prohibitive to an efficient (and potentially cost effective) recruitment and selection process. It is then necessary to use a risk assessment process whilst awaiting the Certificate, as otherwise the appointed candidate is likely to seek employment

elsewhere/the college is in a position whereby students are without a teacher, which is untenable.

**29. When appointing individuals who have lived or worked abroad, what “further checks” do you think it would be appropriate to make?**

**Please comment:**

Certificates of Good Conduct are requested where someone has worked or lived overseas in the last 5 years (although see 23).

The Statutory Guidance refers to “criminal record checks for overseas applicants” and provides a link. We suggest this ‘further check’ is made in order to establish if the person has a criminal background.

Notwithstanding the inevitable delays, in principle, Certificates of Good Conduct would be sufficient if obtainable from all countries. Beyond that, without knowledge of individual countries’ procedures for recording criminal convictions, it is difficult to know.

**30. Has the requirement to “carry out further checks as considered appropriate” created any barriers to being able to employ individuals who have lived or worked abroad?**

Yes

**If you answered yes above, what barriers have you experienced and what was the resulting impact? :**

- Delays in receiving Certificates
- Potential employees not prepared to obtain a Certificate
- No alternative to the standard of a DBS check for checking people’s suitability to work with children
- Vulnerable adults, who have been in countries where Certificates cannot be obtained from
- Salaries are not aligned to the UKVI entry requirements
- increasingly difficult area with a growth in the number of people who develop their careers in a range of countries.

**31. Considering the full KCSIE document, which of the following would you select?**

KCSIE should be longer

**Please give the reasons for your answer above :**

Overall, it was agreed that the annex section could be longer but the core document should be shorter (though if it became an online searchable document then length is irrelevant).

The document would benefit from more cross-referencing, more flow charts and less wordy explanations.

It should be a live online document that can be edited in real time and allow swift updates in line with new legislation/ guidance. Part 1 (reduced) could be statutory reading element, annex section could be changed / added to.

The contents page would need to be clearer.

A search facility for this document in an electronic version would be useful and also enable easy amends and adjustments.

Generally, we would suggest ensuring consistency of terminology throughout, using 'pupil or student' and 'school or college' for whichever sections apply to both, and using only 'pupil' or 'student' or 'school' or 'college' for sections applying to only one of those cohorts. To assist reading and understanding, the terms 'pre-16' and 'post-16' might be useful.

The document might benefit from ensuring other terminology is not too 'school centric' so it is clear when information also applies to colleges. Including more post-16 context might help with this and we'd be happy to provide examples if that would be useful.

Consideration for an online information sharing platform to improve transition communications between pre-16 and post-16 would be highly beneficial to the learner experience.

Including General Data Protection Regulation (GDPR) guidance in this document would be useful and relevant. Precise information would be welcomed regarding length of time documentation should be held (see paragraph 72 of document). The document is not clear about information sharing and there are concerns that GDPR will hinder this rather than enhance; more detailed and focussed guidance is required. Paragraph 71 states (final sentence) that 'Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children and young people'. We would suggest that a more accurate statement would be that 'The duties to keep information held on children and young people privately must be overridden where there is a need to share information in order to promote a child or young person's welfare or protect their safety.' We further suggest that the draft guidance contains the positive obligations to ensure that children and young people's human rights are respected which may require information to be shared. Additionally, the draft

guidance should also mention the general need for consent for data processing and sharing unless one of the exemptions under the DPA 1998 applies.

There is no reference to employers / trainers / subcontractors in the document – there may be an assumption that education settings are responsible for those areas but this should be explicit in the document.

### **32. Considering Part one of KCSIE, which of the following would you select?**

Part one should be shorter

#### **Please give the reasons for your answer above:**

Some members felt that Part 1 should be shorter including paragraphs starting with “all school and college staff.” Since Part 1 is given to all staff and they are expected to read it, the section could be condensed into a user-friendly 3-page version and included as an annex, as currently it is 12 pages long.

Others felt that it needs to be more comprehensive – this is fundamental to working with children/vulnerable adults. There is nothing to prevent schools/colleges providing additional user-friendly versions and/or face to face training.

On balance we recommend shortening Part 1 to include key information to improve accessibility of the document.

### **33. Considering Annex A in KCSIE, which of the following would you select?**

#### **Please give the reasons for your answer above:**

Annex A requires clarity; Missing In Education does not apply to post-16 and this needs to be changed or clarified and made explicit in the document.

### **34. Which, if any, of the safer recruitment requirements in KCSIE do you find most confusing or difficult to understand and why?**

#### **Please comment:**

The inconsistencies in respect to Prohibition Checks for teachers in schools and FE Colleges. There should be no differentiation between the two, simply because the students at FE colleges are over 18 years of age. Many FE colleges will have young people attending with SEN, they are likely to need more safeguarding policies in place than those with non-SEN. Furthermore, the EFSA Financial Memorandum issued to FE Colleges in July 2017 states they need to ensure that teaching staff are not prohibited from teaching – essentially saying Prohibition Checks need to be carried out. Therefore, the KCSIE Guidance should be updated to include FE Colleges. (see answer to question 13 above)

**35. Is there anything that you are currently required to do when completing safer recruitment activities that you find difficult?**

Yes

**If you have answered yes above, please explain what you find difficult:**

The fact that the DBS do not provide an on-line DBS application facility themselves is unhelpful as colleges are left relying on third party providers, for example Capita.

As noted previously:

- The Certificate of Good Conduct can be difficult to obtain.
- The expectation that references are in place for all shortlisting candidates and prior to interview – this is simply unachievable.

**36. If you could change one thing about the safer recruitment requirements set out in KCSIE, which in your view would further safeguard against the possible risks to children, what would that be?**

**Please comment:**

Requirement for any organisation which has employed an individual to work with children, young people or vulnerable adults to state in references whether the applicant has been involved in a substantiated safeguarding complaint where action against the applicant had to be taken.

**37. If you could change anything about the current requirements placed on schools and colleges regarding handling of allegations of abuse, in order to strengthen against possible risks to children, what would that be?**

**Please comment:**

Improve accessibility of the guidance.

There needs to be increased clarity of the processes to be used for informing the ESFA and local authorities. This should be the same both here and in the ESFA funding guidance

**38. Is there anything that you are currently required to do when addressing allegations of abuse that you find difficult?**

Yes

**If you have answered yes above, please explain what you find difficult:**

Some of the difficulties are:

- A lack of transition information from pre to post-16 e.g. not knowing of historical incidents / allegations

- A lack of consistency in safeguarding practice across local authorities. The threshold for investigation of potential allegations of abuse for under 18s is set out in Section 47 Children Act 1989. For adults this is set out in Section 42 Care Act 2014 and requires local authorities to make enquiries when specific gateway conditions are met. We suggest that the draft guidance should specify and highlight the need for the above mentioned legislation to properly reflect the statutory tests in the draft guidance. We also suggest that local authorities should be monitored to ensure consistency in practice is maintained.
- Lack of resource in particular to provide mental health support as well as child protection.