



Safeguarding in 2022

14th July 2022



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Aims of today's session:



to explore what governors and trustees need to know about safeguarding for Autumn term 2022 and beyond;

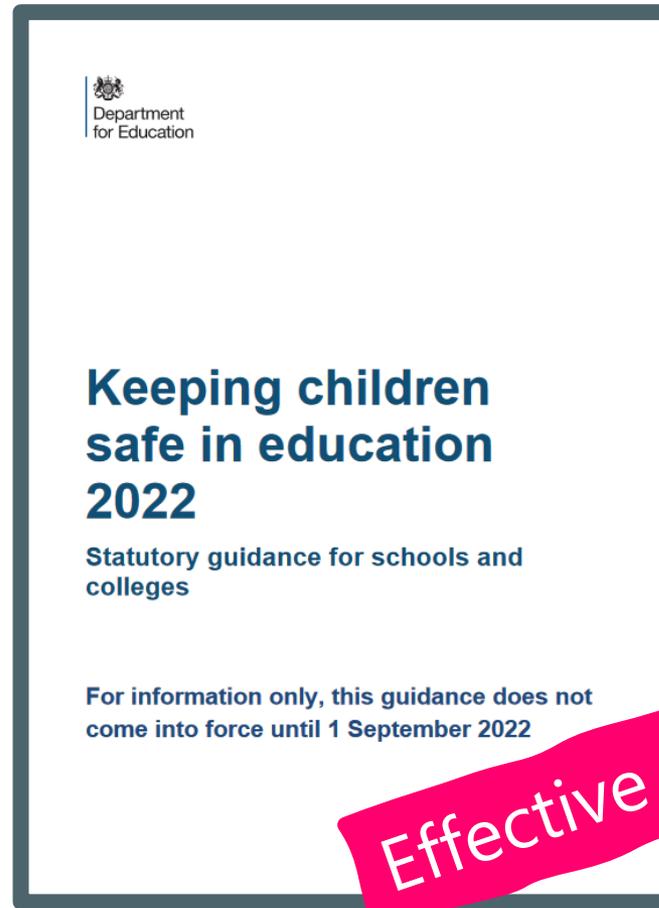
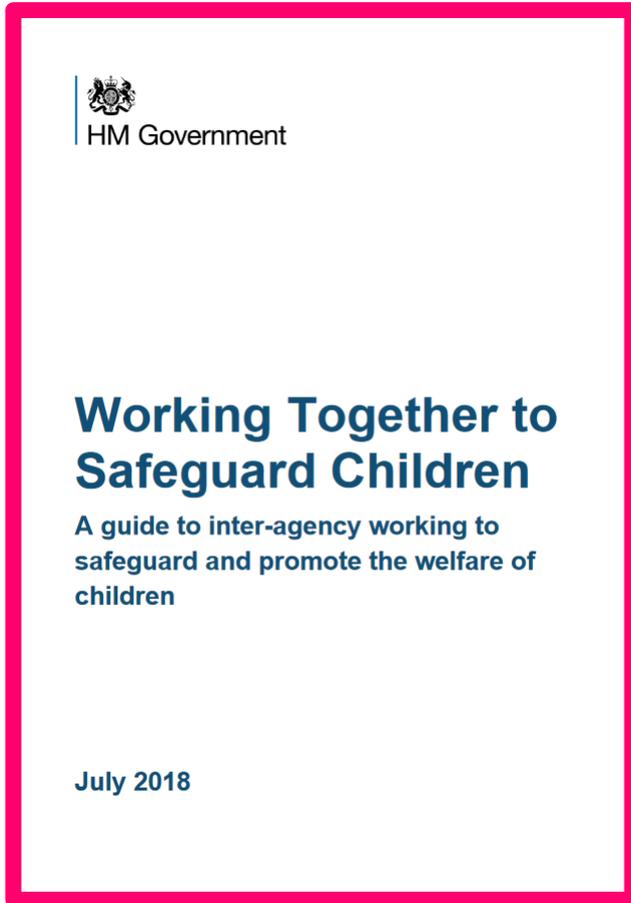


to reflect on the changes to Keeping Children Safe in Education (2022) and their implications for governance;

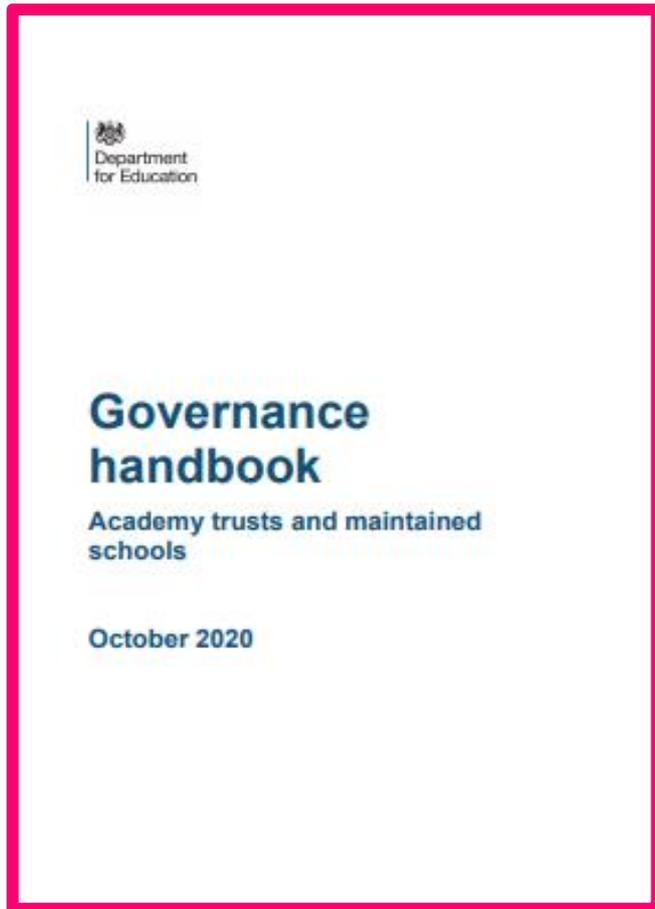


to ensure clarity, for those in governance, of their strategic overview of safeguarding.

The backdrop



The statutory role of governance

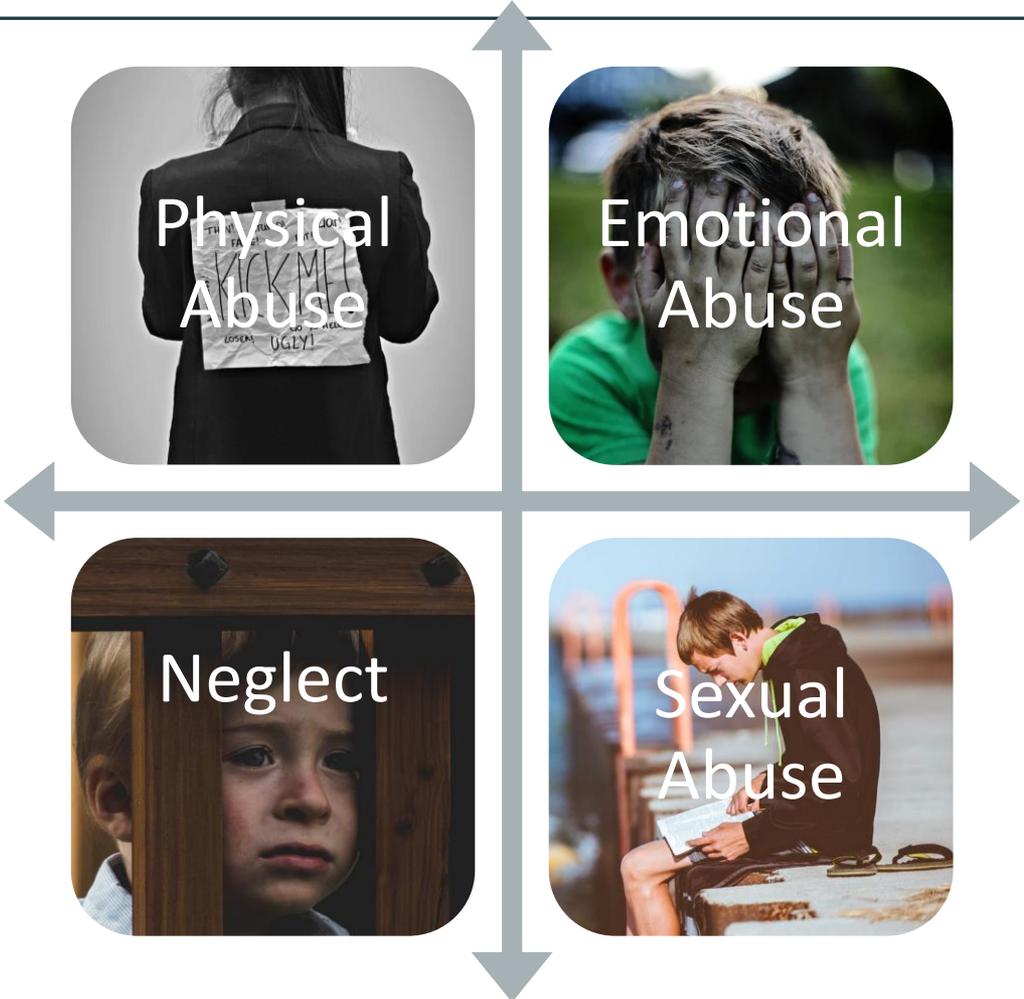


*Compliance through:
regard to Keeping Children
Safe in Education (statutory
guidance) to ensure that key
safeguarding and safer
recruitment duties are
undertaken effectively;*

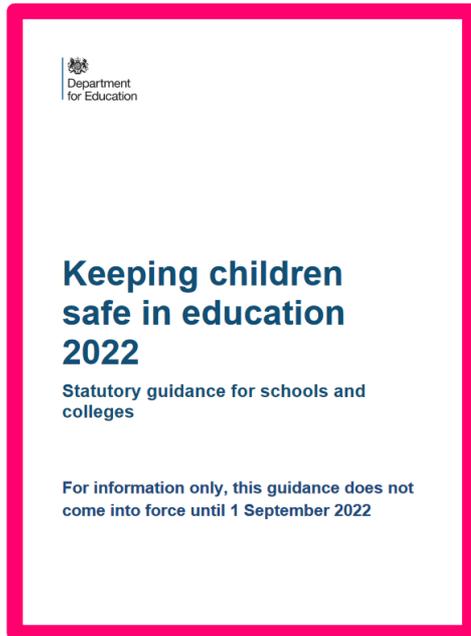
What does safeguarding mean to you?

- **protecting** children from maltreatment;
- **preventing** the 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;
- **taking action** to enable all children to have the best outcomes.

Safeguarding in schools:



Keeping Children Safe in Education 2022



- **174 pages** (159 last year)
- **Additional information**, in all five parts, clarifying, raising awareness and a few new provisions;
- **Annex F** (Table of substantive changes) page 174-6.
- ***Must*** and ***should***

Key changes: Part One

Children not ready to tell

All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or being threatened. This could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication.



**GOVERNORS
FOR SCHOOLS**

Key changes: Part One

Domestic abuse

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn.

Key changes: Part two

Governor safeguarding training

Governing bodies and proprietors should ensure that all governors and trustees receive appropriate safeguarding and child protection (including online) training at induction. This training should equip them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place in schools and colleges are effective and support the delivery of a robust whole. Their training should be regularly updated.

Key changes: Part two

Human Rights and Equalities legislation

Human Rights Act

83. The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and contains the Articles and protocols of the European Convention on Human Rights (ECHR) (the Convention) that are deemed to apply in the UK. It compels public organisations to respect and protect an individual's human rights when they make individual decisions about them.

84. Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific convention rights applying to schools and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity
- Article 14: requires that a protected and applied with
- Protocol 1, Article 2: prot

85. Being subjected to harassment of a sexual nature, may breach any or all of the circumstances. Further information can be found at [Human Rights | Equality \(equalityhumanrights.com\)](https://www.equalityhumanrights.com).

Equality Act 2010

86. Schools and colleges have obligations under the Equality Act 2010 (the Equality Act).

87. According to the Equality Act, schools and colleges **must** not unlawfully discriminate against pupils because of their sex, race, disability, religion or belief, gender reassignment, pregnancy and maternity, or sexual orientation (protected characteristics).

88. Whilst all of the above protections are important, in the context of safeguarding, this guidance, and the **legal duties** placed on schools and colleges in relation to safeguarding and promoting the welfare of children, governing bodies and proprietors should carefully consider how they are supporting their pupils and students with regard to particular protected characteristics - including disability, sex, sexual orientation, gender reassignment and race.

89. Provisions within the Equality Act allow schools and colleges to take positive

is proportionate, to deal with particular students with a particular protected characteristic in s includes a duty to make reasonable adjustments for including those with long term conditions. A school der taking positive action to support girls if there was lonately subjected to sexual violence or sexual

Understand how the Equality Act affects them and how be found at [Equality Act 2010: advice for schools -](#) be useful for colleges. For further information [Human Rights Commission](#)

Public Sector Equality Duty

91. The Public Sector Equality Duty (PSED) is found in the Equality Act. Compliance with the PSED is a legal requirement for state-funded schools and colleges, advice on this – including on specific duties, is set out in the advice linked in paragraph 90.

92. The PSED places a general duty on schools and colleges to have, in the exercise of their functions, due regard to the need to eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited under the Equality Act), to advance equality of opportunity and foster good relations between those who share a relevant protected characteristic and those who do not. The duty applies to all protected characteristics (see para 87) and means that whenever significant decisions are being made or policies developed, specific consideration must be given to the equality implications of these such as, for example, the need to eliminate unlawful behaviours that relate to them such as sexual violence and sexual harassment, misogyny/misandry and racism. This is one reason why good record-keeping and monitoring of all forms of abuse and harassment is essential.

Key changes: Part two

Remote education & online safety

Schools and colleges are likely to be in regular contact with parents and carers. Those communications should be used to reinforce the importance of children being safe online and parents and carers are likely to find it helpful to understand what systems schools and colleges use to filter and monitor online use. It will be especially important for parents and carers to be aware of what their children are being asked to do online, including the sites they will be asked to access and be clear who from the school or college (if anyone) their child is going to be interacting with online.



Key changes: Part two

Online safety - filtering

Whilst considering their responsibility to safeguard and promote the welfare of children and provide them with a safe environment in which to learn, governing bodies and proprietors should be doing all that they reasonably can to limit children's exposure to the above risks from the school's or college's IT system. As part of this process, governing bodies and proprietors should ensure their school or college has appropriate filters and monitoring systems in place and regularly review their effectiveness. They should ensure that the leadership team and relevant staff have an awareness and understanding of the provisions in place and manage them effectively and know how to escalate concerns when identified. Governing bodies and proprietors should consider the age range of their children, the number of children, how often they access the IT system and the proportionality of costs verses safeguarding risks.

Key changes: Part two

Children who are lesbian, gay, bi, or trans (LGBT)

202. The fact that a child or a young person may be LGBT is not in itself an inherent risk factor for harm. However, children who are LGBT can be targeted by other children. In some cases, a child who is perceived by other children to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

203. Risks can be compounded where children who are LGBT lack a trusted adult with whom they can be open. It is therefore vital that staff endeavour to reduce the additional barriers faced, and provide a safe space for them to speak out or share their concerns with members of staff.

204. LGBT inclusion is part of the statutory Relationships Education, Relationship and Sex Education and Health Education curriculum and there is a range of support available to help schools counter homophobic, biphobic and transphobic bullying and abuse.

Key changes: Part three

No changes from 2021

Safer Recruitment

But don't forget:

- safer recruitment is about compliance;
- governance should seek assurance of compliance;
- to check Is your school's Single Central Record complete and up to date?
- ensure safer recruitment is a regular agenda item;
- Check that training has been updated.

Key changes: Part four

No significant changes from 2021

Allegations

But:

- New title – *Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors;*
- Brief clarification on how low level concerns should be shared (para 432-4)

Key changes: Part five

Child on child sexual abuse and sexual harassment

- 30 pages in this section (18 last year);
- **new** paragraph (#468) re ensuring children understand the law and that it is there to *protect and not criminalise them*;
- **new** para (#482) – inter-familial harms and necessary support for siblings following incidents;
- schools are relevant agencies and part of discussion with statutory safeguarding partners.

Questions for Governors to ask:

- When will staff be made aware of the changes?
- How as governors, do we know that staff understand their role?
- Do all staff poses *professional curiosity*?
- When did we last seek assurance relating to online filtering systems?
- Have we made arrangements to ensure all governors access safeguarding training on induction.....and we all update our training regularly?

Any questions?



What you need to know, when you need to know it



Better Governor researches, interprets and distils the latest news in education policy, legislation and practice keeping you informed on how they impact your role as a governor or clerk.

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