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Welsh Government  
Consultation – summary of responses

Keeping learners safe guidance

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

# Keeping learners safe guidance

**Audience** Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; school staff unions; Careers Wales; higher education authorities and Local Safeguarding Children Board Chairs. It should also be read by staff within those organisations that have a lead responsibility for safeguarding children.

**Overview** This document contains guidance for local authorities and governing bodies on arrangements for safeguarding children under section 175 of the Education Act 2002.

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

**Further information** Enquiries about this document should be directed to:

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**Additional copies** This document can be accessed from the Welsh Government's website at <https://gov.wales/keeping-learners-safe>

## Related documents

- *Keeping Learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002* Welsh Government Circular No. 158/2015
- *Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002* Welsh Assembly Government Circular No: 005/2008 (2008)
- *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service* National Assembly for Wales Circular No: 34/02 (2002)
- *Criminal Records Bureau: Basic Facts for School Volunteers* National Assembly for Wales Circular No: 02/03 (2003)
- *Reporting Misconduct and Incompetence in the Education Service: Reporting Cases of Misconduct or Professional Incompetence in the Education Service – Revised Reporting Arrangements from 12 October 2009* Welsh Assembly Government Circular No: 018/2009 (2009)

# Contents

<b>Introduction</b>	<b>2</b>
<b>Summary of consultation responses</b>	<b>3</b>
Question 1	4
Question 2	5
Question 3	6
Question 4	7
Question 5	8
Question 6	9
Question 7	10

## Introduction

The Welsh Government consulted on the revised statutory guidance 'Keeping learners safe' which included a model safeguarding policy and a safeguarding audit toolkit from 18 July to 7 November 2019.

The aim was to update the guidance so it continued to support local authorities, schools and colleges to have robust safeguarding arrangements in place. Many of the changes were factual in nature, responding to updates in legislation. Other changes were in response to feedback from schools, colleges, local authorities and safeguarding leads.

The key changes included:

- Greater clarity on the audience of the guidance;
- Alignment of the terminology in line with recent legislative changes;
- Inclusion of advice to governing bodies on adding peer-on-peer abuse and harmful sexual behaviour to their child protection policies and guidance on how schools should manage these;
- Inclusion of a new section on domestic abuse, gender-based violence and harmful cultural practices, including FGM and forced marriage;
- Inclusion of a new section on Community Cohesion, including preventing radicalisation and Child Criminal Exploitation and County Lines; and
- Inclusion of a safeguarding audit tool to support all education settings to review their safeguarding arrangements in line with Estyn requirements.

The revised draft guidance also included signposting to a range of resources to help schools implement the policy at an operational level.

The purpose of the consultation was to establish whether the revised draft guidance met the needs of key audiences.

## Summary of consultation responses

The analysis that follows is based on the 71 consultation responses received. Of those 25 responses were received via our online consultation system; a further 43 responses were received via e-mail and 3 via post, 4 responses were submitted in Welsh.

Responses came from a range of organisations including schools, colleges, early years settings, local authorities, regional safeguarding boards, the Children's Commissioner, health boards, the inspectorate, third sector organisations, unions, and members of the public.

The updated guidance was welcomed but respondents offered suggestions for how it could be improved, some of the themes that emerged from the responses included:

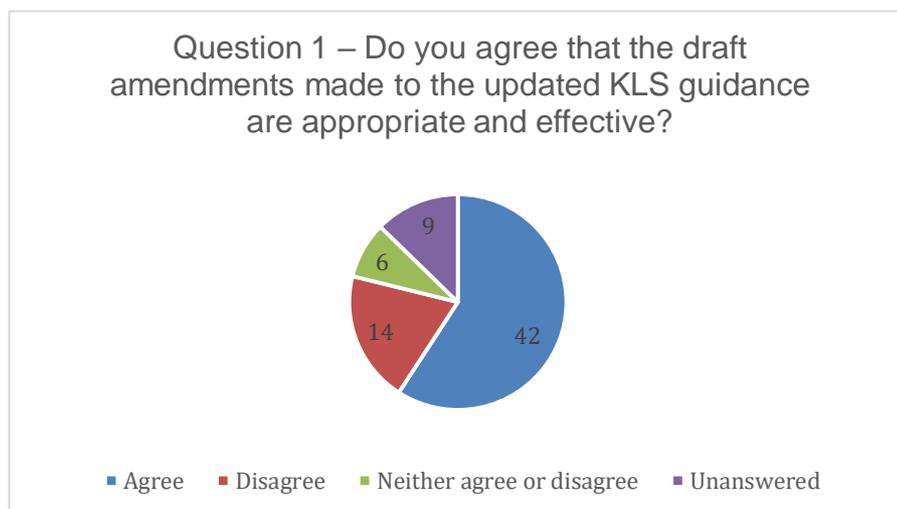
- More recognition of how roles and responsibilities may vary in different settings;
- The status, funding and supervision of the Designated Safeguarding Person; and their role in larger settings;
- A call for a consistent approach to training and the levels of training required for different roles;
- How the guidance is applied in non-maintained settings;
- Safeguarding responsibilities in work related activity eg work based learning, apprenticeships;
- More guidance about how to work with learners and parents affected by VAWDASV in schools;
- More clarity about resources relating to the Prevent Duty;
- Merging chapters on recruitment and DBS checks; and
- The need to include references to the new safeguarding procedures for Wales.

The responses will be used to inform revisions made to the guidance, which will be published during the summer term 2020.

## Question 1

**Do you agree that the draft amends made to the updated KLS guidance are appropriate and effective? If not, what further amends do you think are necessary?**

Agree	42
Disagree	14
Neither agree or disagree	6
Unanswered	9



The majority of respondents agreed the amendments were appropriate and effective, of those who agreed many felt the revisions provided more clarity about their responsibilities and reflect changes to legislation. Some also suggested the guidance could be stronger with more use of the term “must” rather than “should”.

The response from the Children’s Commissioner for Wales emphasised that reference to the UNCRC was weaker in the updated guidance and should be included in a separate section because “children and young people have made disclosures immediately after learning about their rights to be safe” (Children’s Commissioner for Wales).

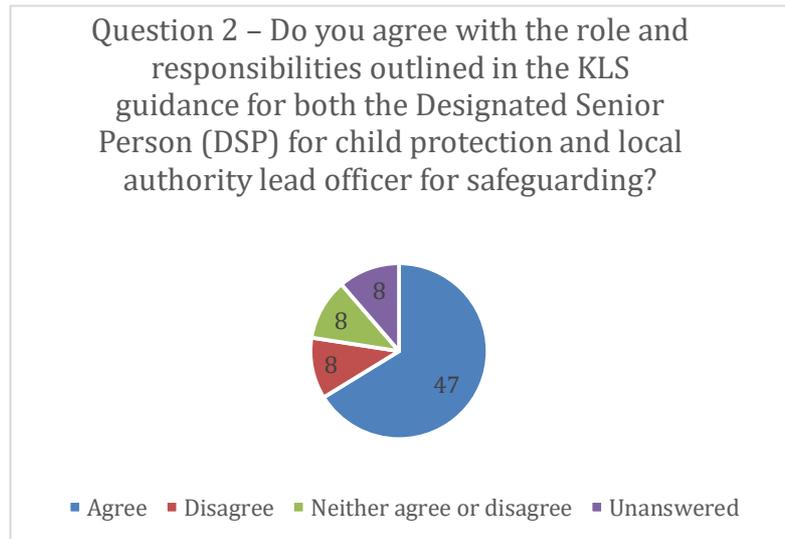
In addition, many respondents highlighted additional areas they wanted to be included or strengthened in the guidance, including:

- UNCRC and the voice of the child in school safeguarding
- Restraint
- Operation encompass
- Peer on peer abuse
- Consent (a sexually active young people section)
- Knife crime
- Upskirting
- Child Sexual Exploitation
- Bullying
- Additional Learning Needs
- Providers which operate in schools beyond the school hours
- Volunteers and activities outside of school such as school trips.

## Question 2

**Do you agree with the role and responsibilities outlined in the KLS guidance for both the Designated Senior Person (DSP) for child protection and the local authority lead officer for safeguarding? If not, what further amendments do you think are necessary?**

Agree	47
Disagree	8
Neither agree or disagree	8
Unanswered	8



The vast majority of respondents agreed the roles and responsibilities outlined in the revised guidance are clear; however many respondents advised the DPS role should have more formal supervision and support. In addition, the guidance should consider how the role operates in larger organisations across multiple sites, such as colleges, as evidenced in this comment:

*“The clarity of the role of the DSP is clear. It does however need to clarify further how DSP’s work in larger organisations, evidencing the role of the Deputy DSP. There should also be consideration as to emphasising the importance of supervision for DSPs given the seriousness of the role.”*

(FE Student Services, Pembrokeshire College)

In addition, a number of respondents highlighted a lack of guidance on the qualifications or training needed for the DSP to fulfil their role, and some felt the DSP should have a background in safeguarding. The following comment reflects this:

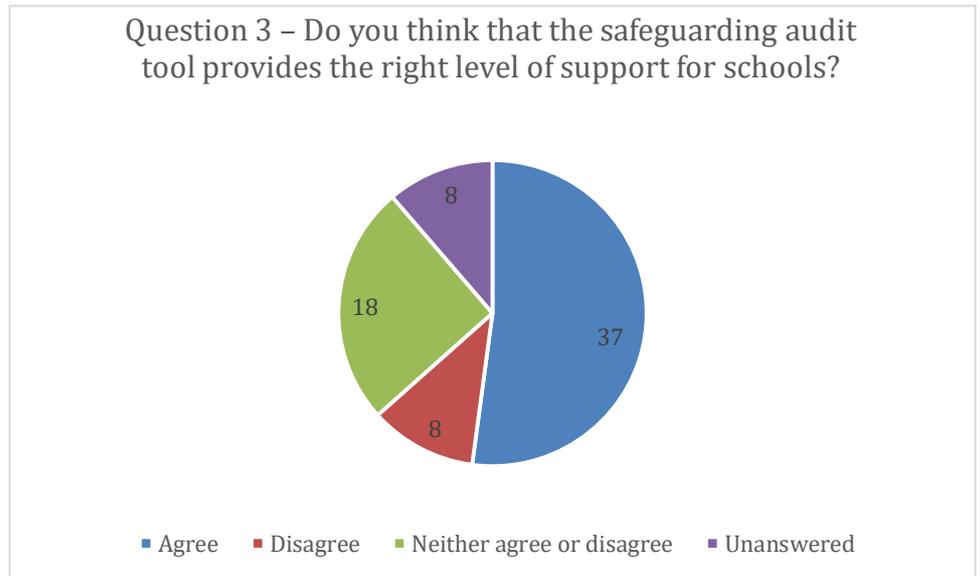
*“We would need to highlight that this role is often undertaken by the Head of School. The officer often needs to delegate responsibilities to another officer. Resources mean that this post is often not a standalone post. A number of officers are highlighting the demands on this role to attend all safeguarding meetings etc. We would expect greater clarity on the level of training this post requires. Also clarity on the type of support we would expect to see support an officer. Some areas are offering mentoring/ peer support/ safeguarding supervision but this is not across Wales”. (North Wales Safeguarding Board)*

A number of respondents asked for clarity about the full title of the DSP to ensure it is in keeping with the new Wales Safeguarding Procedures.

### Question 3

**Do you think that the safeguarding Audit tool provides the right level of support for schools?**

Agree	37
Disagree	8
Neither agree or disagree	18
Unanswered	8



Over half of the respondents agreed the audit tool was comprehensive, provided clear guidance and the right level of support for schools as the following comment reflects;

*“The safeguarding audit tool gives clear guidance which supports schools to ensure the delivery of effective safeguarding practice. The questions within the document allow for improved evaluation of current practice, and will give schools the opportunity to reflect and plan and further develop future safeguarding procedures. The evaluation document also provides guidance that will support schools in reporting safeguarding to governing bodies”,  
(Awdurdod Ceredigion)*

The Pupil 2 Parliament project provided the view from school pupils on the audit tool and the importance of involving pupils in safeguarding at schools, and ensuring there is regular information and dialogue with children and young people about staying safe. They also offered suggestions for how the wording could be improved in the tool so the questions are more relevant to children and young people.

For those respondents who did not agree some offered specific suggestions about how the tool could be improved. It was also clear that stakeholders want the tool to be flexible so it can be adapted for different settings and should not be seen in isolation from other quality assurance checks.

## Question 4

**On publication of the final KLS guidance following this consultation, a programme of implementation will commence. What implementation activity (training and/or awareness raising for specific audiences, for example) do you consider necessary?**

Responses highlighted clear support for ongoing activity to support implementation at all levels through a variety of methods.

There was a call for a consistent approach to safeguarding training for all staff, with more specific training for those with defined safeguarding roles such as the DSP and chair of governors.

Respondents provided the following suggestions for safeguarding training:

- Development of a training module for all staff including governors, teaching assistants and support staff, possibly an e-learning module so it is easily accessible.
- Specific training for DSP and governors with specified dates for renewal of training.
- Training that includes ‘train the trainer’ activity and a set of supporting training materials commissioned that can be used to train Governors/Corporation Boards, teaching and support teams, and WBL providers.
- The revised KLS guidance to be incorporated into current safeguarding and child protection training programmes.
- Training on specialist subjects and emerging safeguarding concerns.

Comments include:

*“Training needs to be provided on a national level so that there is a consistency in decision making and the handling of safeguarding concerns across all sectors”*

*“A review of the Keeping learners Safe online modules to be updated to reflect the review of the guidance and the modules to be re-launched” Education Workforce Council EWC*

*“Training for Head Teachers and college Principals in their responsibilities. Training for school and college governors in their responsibilities. Awareness raising of new guidance for all DSLs and deputy DSLs” Cardiff and Vale College*

Several respondents also suggested it would be useful to launch the KLS on a regional basis alongside local events and increase publicity via Dysg and local channels following publication. Other suggestions included:

- local safeguarding events;
- updates via the local authority weekly newsletter;
- local authorities inform DSPs on the update and implementation/roll out of revised KLS; and
- raising awareness at cluster meetings and Governor briefing sessions.

## Question 5

**We would like to know your views on the effects that the KLS guidance has on the Welsh language, specifically on:**

- i) opportunities for people to use Welsh**
- ii) treating the Welsh language no less favourably than the English language.**

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

The majority of respondents were content that the revised guidance provides equal opportunities for people to use Welsh and ensuring the Welsh language is treated no less favourably. In particular, those who responded to this question supported reference to the Active Offer principle, including Estyn.

Some respondents provided suggestions on how the Welsh Government can increase the use of Welsh language provision throughout the guidance and implementation. Comments included:

*“Ideally the person employed as DSP would be bilingual, though this may depend on the language of the setting. Support should be identified for non-Welsh speaking DSP’s in the event of needing to support Welsh language learners” (Clybiau Plant Cymru)*

*Need to highlight that safeguarding meetings should be held in the language of choice”  
(NWSWIC)*

*“It is vital that there is parity of provision in both languages and that provision should reflect the linguistic nature of the school and its catchment area” (NEU Cymru)*

## Question 6

Please also explain how you believe the proposed policy could be formulated or changed so as to have

- i) **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language**
- ii) **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

A few respondents offered ideas such as:

*“Require and ensure every DSP is competent and fluent in the use of oral and written the Welsh Language” (Anonymous)*

*“Develop the Active Offer throughout the KLS Guidance so that there is an awareness of Welsh in English medium documents. Make explicit reference to the Welsh language throughout the KLS Guidance, develop Welsh Language training for adapted KLS guidance, develop Welsh Language training for predominately English medium schools and non-maintained settings for adapted KLS guidance” (Early Years Wales)*

## Question 7

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

The consultation attracted responses from a variety of stakeholders and their comments covered the full range of areas under the general safeguarding umbrella.

Respondents used this question as an opportunity to summarise their responses and key points which have been referenced under previous questions.

In addition, many used this question to report inaccuracies or highlight problems with hyperlinks.