

**Nottinghamshire Child Protection and Confidential File Self-Audit Guidance 2021-2022**

This guidance underpins the rational and supports and completion of the annual NCC & NSCP Child Protection and Confidential File Audit for 2021-2022 and contains the revisions made by the Government to the statutory requirements within DfE Keeping Children Safe in Education (KCSiE) 2021.

KCSiE 2021 has been 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.

All schools, colleges and alternative education providers in England **must** have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of the guidance set out in KCSiE 2021 children includes everyone under the age of 18.

When concerned about the welfare of a child, staff should always act in the ‘**best interests of the child’**.

To complete the child protection and confidential file self-audit, you may find it helpful to consult the sections documented below and taken from DfE Keeping Children Safe in Education 2021, which came into force on the 1st September 2021.

**Please note:**

* The guidance in KCSiE 2021 has been further strengthened to make clear the roles and responsibilities of all staff but particularly those with Designated Safeguarding Lead (DSL) and Designated Teacher (DT) status.
* Head teachers, Governing bodies, Proprietors and Trusts have a strategic leadership responsibility for their school’s or college’s safeguarding arrangements and **must** ensure that they comply with their duty under legislation. They remain collectively responsible for overseeing the senior leadership and management arrangements put in place to carry out the statutory functions and ensure the school, college and or alternative provision afforded to children and young people remains’ safeguarding compliant’ and always complies with the law.
* KCSiE 2021 makes clear Governing bodies and proprietors, and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware and follow their local safeguarding arrangements. Working Together to Safeguard Children 2018 is very clear that all schools (including those in a multi-academy trusts) and colleges in the local area **should** be fully engaged, involved, and included in safeguarding arrangements. As a relevant agency, schools, and colleges, in the same way as other agencies, are under a statutory duty to co-operate with the local arrangements published by the Nottinghamshire Safeguarding Children Partnership (NSCP).
* Headteachers and principals **should** ensure that policies and procedures adopted by their governing bodies or proprietors (particularly those concerning referrals of cases of suspected abuse and neglect), are understood, and followed by all staff. This includes adopting a ‘whole school approach to safeguarding’. This includes the sharing of information, recording and reporting of child protection and safeguarding concerns, and disclosures.

**Reflected learning from recent Rapid Reviews:**

As with other national Rapid Reviews an enduring problem has been in the processes of transferring safeguarding information from school to college in readiness for the beginning of Year 12. With this in mind, we seek to put in place further guidance to provide for more robust process for sharing safeguarding information in a timely way.

It is vital for children to be fully supported through transition and arrangements to support transfer processes should take place before the child moves between school, college or alternative provision, so that arrangements are seen to be proactive rather than reactive and perhaps too late to safeguarding the children and ensure a smooth, transparent coordinated response to some of these young people being at risk of becoming Not in Education, Employment or Training (NEET).

This is particularly important for children and young people in care who are at high risk of becoming NEET and also for those who are likely to need support with educational arrangements during the latter of Year 11 and in preparation for Year 12, whether that be continuing at school, going onto college or alternative education provision or a mixture between education providers.

Recent Rapid Reviews have identified children and young people become most vulnerable when they have been involved or at risk of repeated exclusions, both fixed and permanent. For these children a coordinated response of contextual safeguarding risks is required.

**To support the above we have included below all statutory guidance which refers to:**

* The law and statutory roles, responsibilities and requirements placed on schools, colleges, and alternative education providers.
* The processes for recording reporting, managing, and maintaining records for children subject to child protection and safeguarding concerns.
* The process for ensuring seamless processes to support children through transition and transfer between schools and to college and or with learning packages of education, including with alternative education provision or NEET.
* The importance of recognising when children become increasingly vulnerable and steps to ensure they remain safeguarded by the professionals around the child/young person.
* The importance of acting on concerns or shortfalls should they occur in a timely way to prevent escalation or impact on the child’s well-being, engagement with education and learning opportunities, metal health and ability to thrive and achieve.

**Clarity of those responsibilities can be found in KCSiE 2021 and from the guidance collated below:**

The transfer of child protection and confidential files is set out within KCSiE 2021, which became statutory requirement of all schools from 1st September 2021. It makes clear the actions to be taken by Governing bodies, Trusts, Head teachers and Designated Safeguarding Lead’s (DSL’S) and responsibilities placed on them to keep children safe and work with other schools, agencies, and safeguarding partners.

It also acknowledges transfers of children between schools, colleges, alternative education providers and learning environments does not just take place during the usual transition periods of the school year, for some children it can occur at other times due to circumstances which can include for example; move of home, or living with relatives or others, during times of family stress and relocation, exclusion, at the request of statutory safeguarding authorities, change of status such being as becoming Looked after, adopted, involved in alternative education provisions, duel registration or co-location of children between education providers or across local authorities.

To ensure high quality transition and transfer arrangements are in place for children, the sharing of information between the designated safeguarding leads from the schools, colleges and alternative education provision involved is crucial for a child. Information sharing is an intrinsic part of any practitioner’s role.

**The decisions about how much information to share, with whom and when can have a profound impact on children’s lives.**

* You should weigh up what might happen if the information is shared against the consequences of not sharing the information.
* Early sharing of information is key to providing effective early help where there are emerging problems.
* At the other end of the continuum, sharing information can be essential to put in place effective child protection services.

**For more information on sharing information which includes a myth-busting guide see Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers:**

* Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR).
* DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy.
* Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

**What underpins all our work to keep children safe is clarified in KCSiE 2021 in the following paragraphs:**

**Paragraph 6.** 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.

**Paragraph 10.** Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children’s social care.

**Paragraph 11.** The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

**Paragraph 60.** Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children’s social care (such as a child in need or a child with a protection plan).

**Record keeping**

**Paragraph 71.** All concerns, discussions and decisions made, and the reasons for those

decisions should be recorded in writing. Information should be kept confidential and

stored securely. It is good practice to keep concerns and referrals in a separate child

protection file for each child.

**Records should include:**

* a clear and comprehensive summary of the concern.
* details of how the concern was followed up and resolved.
* a note of any action taken, decisions reached and the outcome.

**Paragraph 72.** If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

**Why is all of this important?**

**Paragraph 73.** It is important for children to receive the right help at the right time to address safeguarding risks prevent issues escalating and to promote children’s welfare.

Research and serious case reviews have repeatedly shown the dangers of failing to

take effective action. Further information about serious case reviews can be found in.

An analysis of serious case reviews can be found at: [Analysis of serious case reviews: 2014 to 2017 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/analysis-of-serious-case-reviews-2014-to-2017)

**Chapter four of Working Together to Safeguard Children;** **informs examples of poor practice include:**

* failing to act on and refer the early signs of abuse and neglect.
* poor record keeping.
* failing to listen to the views of the child.
* failing to re-assess concerns when situations do not improve.
* not sharing information with the right people within and between agencies.
* sharing information too slowly, and
* a lack of challenge to those who appear not to be taking action.

See link: Working together to safeguard children - GOV.UK (www.gov.uk)

**KCSiE 2021 Part two: The management of Safeguarding** -**The responsibility of governing bodies, proprietors, and management committees**

**Legislation and the law**

**Paragraph 78.** Governing bodies and proprietors have a strategic leadership responsibility for their school’s or college’s safeguarding arrangements and must ensure that they comply with their duties under legislation. They must have regard to this guidance, ensuring policies, procedures and training in their schools or colleges are effective, and comply with the law at all times

**This includes:**

**Paragraph 88.** Governing bodies and proprietors should ensure child protection files are maintained as set out in Annex C.

**Paragraph 89.** The role and responsibilities of the designated safeguarding leadGoverning bodies and proprietors should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed to the role of designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection as described in Annex C and includes being prepared to supply information as requested by the safeguarding partners.

**Information Sharing and Child Protection File Transfer**

**Paragraph 107.** School and college staff should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and

welfare of children, whether this is when problems are first emerging, or where a child is

already known to the local authority children’s social care.

**Paragraph 112.** Where children leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as

soon as possible, to allow the new school or college to continue supporting children who

have had a social worker and been victims of abuse and have that support in place for

when the child arrives, also ensuring secure transit, and confirmation of receipt should

be obtained. For schools, this should be transferred separately from the main pupil file.

Receiving schools and colleges should ensure key staff such as designated

safeguarding leads and special educational needs co-ordinators (SENCOs) or the

named persons with oversight for SEN in a college, are aware as required.

**Paragraph 113.** In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new

school or college to continue supporting children who have had a social worker and

been victims of abuse, or those who are currently receiving support through the

‘Channel’ programme and have that support in place for when the child arrives.

More information on the child protection file is in Annex C.

**Vulnerable Children who information sharing is critical to promoting and maintaining their well-being, safety, and welfare and Children who need a social worker (Child in Need and Child Protection Plans)**

For those children and families who have a social worker allocated, the timeliness and consistency of good information sharing is key to keeping children safe and enable decisions and actions to be taken swiftly where required.

**Paragraph 160.** Children may need a social worker due to safeguarding or welfare needs.

Children may need this help due to abuse, neglect and complex family circumstances. A child’s experiences of adversity and trauma can leave them vulnerable to further harm,

as well as educationally disadvantaged in facing barriers to attendance, learning,

behaviour, and mental health.

**Looked after children and previously looked after children**

**Paragraph 176**. The most common reason for children becoming looked after is as a result of abuse and/or neglect. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding to keep looked after children safe.

**Paragraph 177.** In particular, they should ensure that appropriate staff have the information they need in relation to a child’s looked after legal status (whether they are looked after

under voluntary arrangements with consent of parents, or on an interim or full care

order) and the child’s contact arrangements with birth parents or those with parental

responsibility. They should also have information about the child’s care arrangements

and the levels of authority delegated to the carer by the authority looking after him/her.

The designated safeguarding lead should have details of the child’s social worker and

the name of the virtual school head in the authority that looks after the child.

**Paragraph 178.** A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children

safe. When dealing with looked after children and previously looked after children, it is

important that all agencies work together, and prompt action is taken when necessary to

safeguard these children, who are a particularly vulnerable group.

**The Designated Teacher (DT) should also work with the virtual school head to promote the educational achievement of previously looked after children. In other schools and colleges, an appropriately trained teacher should take the lead.**

**Paragraph 182**. As with designated teachers, following the commencement of sections 4 to 6 of the Children and Social Work Act 2017, virtual school heads have responsibilities

towards children who have left care through adoption, special guardianship, or child

arrangement orders or who were adopted from state care outside England or Wales.

Their primary role for this group will be the provision of information and advice to

relevant parties.

**Paragraph 183.** Statutory guidance on Promoting the Education of Looked After Children contains further information on the roles and responsibilities of virtual school heads.

[Promoting the education of looked-after and previously looked-after children - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children)

**Promoting the Education of Looked After Children (2018)** provides statutory guidance for arrangements which should be set out to ensure the educational needs of looked after children can be understood and met. These including setting out mechanisms for sharing information between relevant local authority departments and schools; and how relevant information about individual children is passed promptly between authorities, departments, and schools when young people move. Relevant information includes Personal Education Plans which, as part of looked after children’s educational record, should be transferred with them to the new school.

**Alternative provision**

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil.

**KCSiE 2021 Part Five** **Child on child sexual violence and sexual harassment**

**Paragraph 427**. Provides statutory guidance is about how schools and colleges should **respond to all reports and concerns** of child on child sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and or online and includes it being essential a written record is made of any disclosures and informs;

* only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by children’s social care and/or part of a criminal investigation; and for the designated safeguarding lead to be informed and involved.

For children who are or have been subjected to sexual violence and sexual harassment by another child or children will need to be fully supported and particularly so through any transfer of school or transition into colleges or further learning opportunities will be crucial in supporting a smooth and successful transfer and engagement with learning. The journey for that child is likely to involve some level of anxiety and can vary on the support being offered and put in place, especially if part of a managed move.

In the case of allegations or incidents of sexual violence or sexual harassment, further detail on the reporting, recording and retention of files can be found within KCSiE 2021 Part Five and DfE Sexual violence and sexual harassment between children in schools and colleges published December 2017 and revised September 2021, see link:

[Sexual violence and sexual harassment between children in schools and colleges - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges)

**NOTE:** For children who have experienced sexual violence and sexually harassment it will be particularly important for them to be involved and contribute to arrangements being put in place to support them throughout the transition and transfer process, even when an incident may have taken place several months ago or even perhaps years.

It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

**The Role of the Designated Safeguarding Lead**

Clarifies the designated safeguarding lead should take **lead responsibility** for safeguarding and child protection in the school or college. This includes managing and informing all staff on the processes for ensuring recording, reporting, and maintaining child protection and confidential records and files to effectively keep children safe.

**This includes:**

* work with the headteacher and relevant strategic leads, taking lead responsibility for promoting educational outcomes by knowing the welfare, safeguarding and child protection issues that children in need are experiencing, or have experienced, and identifying the impact that these issues might be having on children’s attendance, engagement and achievement at school or college.
* ensure that the school or college knows who its cohort of children who have

or have had a social worker are, understanding their academic progress and

attainment, and maintaining a culture of high aspirations for this cohort; and,

* support teaching staff to provide additional academic support or reasonable

adjustments to help children who have or have had a social worker reach their

potential, recognising that even when statutory social care intervention has ended,

there is still a lasting impact on children’s educational outcomes.

**Information sharing and managing the child protection file**

The designated safeguarding lead is responsible for ensuring that child protection files

are kept up to date.

Information should be kept confidential and stored securely. It is good practice to keep

concerns and referrals in a separate child protection file for each child.

**Records should include:**

* a clear and comprehensive summary of the concern.
* details of how the concern was followed up and resolved.
* a note of any action taken, decisions reached and the outcome.

They should ensure the file is only accessed by those who need to see it and where the

file or content within it is shared, this happens in line with information sharing advice as

set out in KCSiE 2021 Part One and Part Two.

Where children leave the school or college (including in year transfers) the designated

safeguarding lead should ensure their child protection file is transferred to the new school

or college as soon as possible, and **within 5 days for an in-year transfer or within the first** **5 days of the start of a new term**.

This should be transferredseparately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained.

Receiving schools and colleges should ensure key staff such as designated safeguarding

leads and SENCOs or the named person with oversight for SEN in colleges, are aware

See link below as required.

Lack of information about their circumstances can impact on the child’s safety, welfare

and educational outcomes. In addition to the child protection file, the designated

safeguarding lead should also consider if it would be appropriate to share any additional

information with the new school or college in advance of a child leaving to help them put

in place the right support to safeguard this child and to help the child thrive in the school

or college. For example, information that would allow the new school or college to

continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives.

The Designated Safeguarding Lead and their deputies have a key role and responsibility to ensure **all staff** understand the importance of information sharing, both within the school and

college, and with the safeguarding partners, other agencies, organisations, and practitioners.

**NOTE:** Further guidance regarding the role and responsibilities of the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead can be found in KCSiE 2021 Annex C pages 143 to 150, see link below.

**Training for Designated Safeguarding Leads in Nottinghamshire**

KCSiE 2021 makes clear the required training which **must** be completed and maintained on a regular basis for all with Designated Safeguarding Lead status. Nottinghamshire County Council Learning and Workforce Development provides the required statutory training for DSL’s before they take up role. This course provides all the necessary information for carrying out the role and responsibilities of the DSL and links with the follow up course provided by Nottinghamshire Safeguarding Children Partnership (NSCP), titled Working Together to Safeguard Children.

Both courses are mandatory requirements for DSL’s in all Nottinghamshire schools, colleges and alternative education providers, as they underpin the necessary knowledge for DSL’s and provide information on the child protection and safeguarding policy, practice procedures in Nottinghamshire, the thresholds for access to safeguarding services for children and families and an understanding of how services work together to keep children safe.

Further information on a full range of NSCP training opportunities can be found through the link below to the NSCP website.

**Reflection of practice and concerns that will need to be addressed and supported by all schools/colleges and alternative education providers as part of their ‘safeguarding arrangements’:**

* Cross authority school/education provision with the city and or neighbouring authorities- Have DSL and DT links been established?
* Has the DSL from school ensured solid contacts have been established with those providing Alternative Provision to ensure children receiving their education or learning package receive regular, monitored, and sustained attendance?
* Have safeguarding concerns been shared in appropriately with new learning provisions (AP or college)? and for this to be carried out in reverse if the child ends AP or college to resume school attendance?
* Have the children who are known to be vulnerable to gang, knife and drug issues being supported and plans in place to address any missing, non-attendance, non-compliance concerns as a priority?
* Has the DSL and or DT ensured the necessary information has been shared at earliest opportunity to ensure the childs journey through transition or transfer has been fully supported and managed where necessary, including with the childs parents/carers family and agencies involved?
* Has all information held for the child been updated, fully recorded within the child protection or confidential fie and been reviewed by the Snr DSL and signed off prior to being shared and or handed over to the new schools/college or AP?
* Have arrangements for the recording and sharing of information and recording of concerns/incidents or progress been agreed for those children/ young people who are duel registered subject to CiN, CP, LAC plans?

**IMPORTANT NOTE: Times of increased vulnerability for children and young people:**

* Should children be excluded from school or college or become NEET, agencies should agree and document how agencies will work together ensure a seamless partnership approach is put in place to maintain and manage support plans,

* Such plans and any risk assessments should be regularly reviewed and maintained to support the child and be the conduit to address any shortfalls in provision and support for the child’/young person and involve the childs parents, carers and or family.

* For children/young people not living at home or with extended family or in semi-independent or independent living and under the age of 18 years, additional safeguards should be considered, agreed and implemented by all involved and in consultation with the child/ young person.

**Links to further information, guidance, and training:**

* Link to access Nottinghamshire Child Protection Procedures and Training: [www.nottinghamshire.gov.uk/nscp](http://www.nottinghamshire.gov.uk/nscp)
* DfE Keeping Children Safe in Education 2021- Statutory guidance overview: Keeping children safe in education - GOV.UK (www.gov.uk)
* HM Working Together to Safeguard Children 2018-

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

* NCC LWD DSL training: [safeguarding.training@nottscc.gov.uk](mailto:safeguarding.training@nottscc.gov.uk)
* Nottinghamshire Pathway to Provision: [pathwaytoprovisionhandbook.pdf (nottinghamshire.gov.uk)](https://www.nottinghamshire.gov.uk/media/129861/pathwaytoprovisionhandbook.pdf)