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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Draft Keeping learners safe

Date of issue: 15 July 2019

Action required: Responses by 1 November 2019

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

Keeping learners safe

Overview

This consultation seeks views on the Welsh Government's draft update to the Keeping Learners Safe statutory guidance

How to respond

Responses to this consultation should be completed using the on-line form or by completing the questionnaire which can be e-mailed or posted to the addresses below.

The consultation was issued on 18 July 2019. To allow sufficient time for those working in schools and colleges to consider and comment on the proposals, we have taken account of the summer break and allowed additional time for responses. The consultation closes on 8 November 2019.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

This consultation document sets out a number of proposed changes to the KLS statutory guidance. This updated guidance will replace the current [Keeping Learners Safe](#) statutory guidance, which was issued in 2015 (circular number: 158/2015).

This guidance should be read alongside [Working Together to Safeguard People](#), issued under the Social Services and Well-being (Wales) Act 2014.

The consultation documents can be accessed from the Welsh Government's website at <https://gov.wales/consultations>

Contact details

Address:

Supporting Achievement and Safeguarding Branch
Support for Learners Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: keepinglearnerssafe@gov.wales



@WG_Education



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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Introduction

The purpose of this consultation is to seek views about proposed changes to the Keeping Learners Safe (KLS) statutory guidance. The KLS guidance sets out the legal responsibilities of local authorities, governing bodies of all maintained schools, further education institutions and proprietors of independent schools, to have arrangements for exercising their functions to safeguard and promote the well-being of children in Wales. The guidance is also relevant for agencies which supply staff to education settings, contractors who work in education settings responsible for those aged under eighteen, as well as other providers of education and training for those aged under eighteen.

Why are we revising this guidance?

The Welsh Government is committed to undertaking regular updates of statutory guidance to take account of legislation and policy changes. As such, we are updating the KLS guidance to take account of the implementation of the Social Services and Well-being (Wales) Act 2014, the development of the Wales Safeguarding Procedures and other changes in specific safeguarding and related policy areas.

The aim of the update is to support schools and colleges to better understand their legal responsibilities and to clarify what effective practice should look like. Many of the changes are factual in nature, reflecting recent updates in Welsh legislation. Other changes have been made following requests from schools, colleges and local authorities to provide additional clarification.

This consultation seeks views on the clarity and usefulness of the changes we have made.

Where are we now?

We have worked closely with the Safeguarding in Education Group (SEG), which is the network of education safeguarding professionals from local authorities and other organisations across Wales, in the update of this guidance.

An external provider facilitated a workshop with SEG members to support the effective input of the Group into the update of the KLS guidance. The attendees were members of the SEG, including representation from local authorities, Estyn, the All Wales School Liaison Core Programme, the Welsh Independent Schools Council, the Children's Commissioner for Wales, the Welsh Local Government Association and the National Independent Safeguarding Board.

What specific changes are we proposing?

All of the proposed changes are factual and do not propose a different policy approach to that outlined in the current guidance. The SEG has also provided advice on updating specific areas in the guidance.

Main changes to the document:

- The guidance has been re-focussed specifically on the role of those in education, to provide clarity to the intended audience;

- Terminology used in the guidance has been re-aligned to ensure consistency in line with recent legislative changes, including an update to the glossary of terms;
- An overview of current policies to safeguard those in education has been provided, signposting readers to where more detailed specific guidance can be found;
- Advice has been included in the guidance on how peer-on-peer abuse should be managed and the inclusion of this in the child protection policy;
- Information on Violence against Women, Domestic Abuse and Sexual Violence has been moved into a chapter of its own; it includes Female Genital Mutilation and Forced Marriage;
- A new chapter on Community Cohesion has been included; this covers preventing radicalisation and Child Criminal Exploitation, including County Lines;
- A safeguarding audit tool has been included to support education settings to review their safeguarding arrangements; the audit tool is in line with Estyn's requirements; and
- Amendments have been made to the guidance to provide clarity on the specific duties placed on schools and colleges, and how these responsibilities should be adopted by other education settings on an 'effective practice' basis.

