Appendix J

Laws and Guidance

[**The Children Act 1989**](https://www.legislation.gov.uk/ukpga/1989/41/contents)**: details the 6 Principles**

* Section 17 – Child in Need
* Section 47 – Child at Risk of Significant Protection or in Need of Significant Protection

[**Education Act 2002**](http://www.legislation.gov.uk/ukpga/2002/32/contents)

* Section 175 of the Education Act 2020 requires governing bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting he welfare of children

[**The Education Act 2011**](http://www.legislation.gov.uk/ukpga/2011/21/notes/division/3)

Made changes to provisions on school discipline and placed restrictions on the public reporting of allegations made against teachers [www.legislation.gov.uk](http://www.legislation.gov.uk)

[**Sexual Offences Act 2003**](http://www.legislation.gov.uk/ukpga/2003/42/contents)

Introduced the offences of:

* Causing or inciting a child to engage in sexual activity
* Engaging in sexual activity in the presence of a child
* Causing a child to watch a sexual act
* Meeting a child following sexual grooming
* Arranging or facilitating a child sexual offence

[**Abuse of Position of Trust**](http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-position-of-trust)

The Sexual Offences Act 2003re-encts and extends the abuse of position of trust to include:

An offence for any person aged 18 or over, who is in a ‘position of trust’, to have a sexual relationship with a young person under 18 if their role is one identified with the Act. These include staff working in:

* Institutions looking after children detained under a court order
* Accommodation provided by local authorities/voluntary organisations under statutory provision
* Hospitals, clinics, children’s homes and residential family centres
* Educational Institutions

[**Protection of Freedoms Act 2012**](http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted)

* Formed the Disclosure and Barring Service in 2012 through merging CRB and Independent Safeguarding Authority
* Procedures for CRB tightened up following the murders of Holly Wells and Jessica Chapman ‘Soham Murders’
* Safer recruitment for public, private and voluntary sectors by identifying candidates unsuitable for working with children and vulnerable adults
* Covers England and Wales. Disclosure Scotland and access Northern Ireland
* ‘Regulated Activity’ employers legally required to refer safeguarding concerns
* Illegal for a person barred by DBS to apply or work within the sector for an employer to knowingly employ someone barred by the DBS

[**Counter Terrorism and Security Act 12 February 2015**](https://www.gov.uk/government/collections/counter-terrorism-and-security-bill)

The Counter-Terrorism and Security Act contains powers to help the UK respond to the threat of terrorism. It received Royal Assent on 12 February 2015. The act will:

* disrupt the ability of people to travel abroad to engage in terrorist activity and then return to the UK
* enhance the ability of operational agencies to monitor and control the actions of those who pose a threat
* combat the underlying ideology that feeds, supports and sanctions terrorism

The act will:

* give the police power to temporarily seize a passport at the border, so that they can investigate the individual
* create a Temporary Exclusion Order that can temporarily disrupt a British citizen suspected of involvement in terrorist activity abroad from returning to the UK (so that when individuals do return, it is done in a manner which we control)
* place strong restrictions on where individuals can go, and require them to attend meetings as part of their ongoing management (eg with the probation service or JobCentre Plus staff)
* improve law enforcement agencies’ ability to find out who is responsible for sending internet communications accessing an internet communications service
* enhance our aviation, maritime and rail border security, with provisions relating to passenger data, ‘no fly’ lists, and security and screening measures
* ensure that UK-based insurance firms cannot reimburse the payment of terrorist ransoms
* clarify the scope of power to examine goods at (or near) ports
* provide a general duty on a range of organisations to prevent people being drawn into terrorism
* put Channel (the government’s voluntary programme for people vulnerable to being drawn into terrorism) on a statutory basis

[**Care Act 2014**](http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted)

[Guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance)

**The six principles of the Care Act are:**

1. Empowerment.
2. Protection.
3. Prevention.
4. Proportionality.
5. Partnership.
6. Accountability.

**Guidance**

Although the guidance is grouped into various categories the general themes are applicable to across all.

[NHS Safeguarding App](https://www.england.nhs.uk/safeguarding/nhs-england-safeguarding-app/)

**Children Guidance**

[Every Child Matters - September 2003](https://www.gov.uk/government/publications/every-child-matters)

[Working Together to Safeguard Children - July 2018](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf)

[Keeping Children Safe in Education - September 2019](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835733/Keeping_children_safe_in_education_2019.pdf)

[Keeping Children Safe in Education - September 2019: Part 1](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836144/Keeping_children_safe_in_education_part_1_2019.pdf)

[Teaching Online Safety in school 2019](https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/teaching-resources)

[The Relationship Education, Relationships and Sex Education and Health Education (England) Regulations 2019](https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education)

[What to do if you are worried about a child being abused 2015](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

[NSPCC Site -Types of Abuse](https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/)

[NSPCC -Online Abuse](https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/online-abuse/#what-is)

[Safeguarding Children Institute for Excellence](https://www.scie.org.uk/safeguarding/)

**Adult Guidance**

[NHS Safeguarding Adults](https://www.england.nhs.uk/wp-content/uploads/2017/02/adult-pocket-guide.pdf)

**Prevent Guidance**

[Prevent Duty](https://www.gov.uk/government/publications/prevent-duty-guidance)

[Work Based Learners and the Prevent statutory duty](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744673/Work_Based_Learners_Guidance.pdf) Sept 2018

[Prevent for FE and Training](http://preventforfeandtraining.org.uk/)

[Counter Extremism](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf)

[Protecting Children for Radicalisation](https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty)

[Educate Against Hate](https://educateagainsthate.com/)

[Missing Children](https://www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care)

[Channel Guidance](https://www.gov.uk/government/publications/channel-guidance)

[Channel Duty Guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf)

**Ofsted Guidance**

[Ofsted 2019](https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/teaching-resources)

[**NEW Ofsted Education Inspection Framework for September 2019**](https://www.safeguardinginschools.co.uk/new-ofsted-education-inspection-framework-for-september-2019/)

[**FE & Skills Inspectors handbook 2019**](https://www.gov.uk/government/publications/further-education-and-skills-inspection-handbook-eif)

[**Inspecting Safeguarding in Early Years, Education and Skills Sector**](https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills)

The new Ofsted Education Inspection Framework for September 2019 has been published. Whilst there are a number of broader changes, this article is concerned only with the inspection of safeguarding. As before there is a specific document called ‘Inspecting safeguarding in early years, education and skills’ and this has also been updated (see below).  
  
The Education Inspection Framework (EIF) has four judgements:

* Quality of Education
* Behaviour and Attitudes
* Personal Development
* Leadership and Management

Personal Development includes:

* British values
* Spiritual, moral, social and cultural development
* Relationships and sex education
* Health education, including safety
* Mental health awareness and support

Safeguarding won’t be graded specifically in the new Ofsted Education Inspection Framework for September 2019, but it will be referenced in the Leadership and Management section of the report.

**Female Genital Mutilation**

[Teachers - Mandatory Reporting of Female Genital Mutilation](https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information)

[Female Genital Mutilation Guidance for Schools 2019](http://nationalfgmcentre.org.uk/knowledge-hub-resources/)

**Forced Marriage**

[Guidance for Forced Marriage](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf)

**Modern Slavery**

[National Referral Mechanism Guidance (Adult) England](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)

**Domestic Abuse**

[Domestic Abuse Bill 2019](https://www.gov.uk/government/publications/domestic-abuse-bill-2019-factsheets)

**General Guidance**

[Information Sharing July 2018](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf)

[Advice for Whistleblowing](https://www.gov.uk/whistleblowing)

[Common Assessment Framework – A Guide for Managers](C://Users/Projects/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Common%20Assessment%20Framework%20for%20Children%20&%20Young%20People%20-%20Managers%20Guide%20(2).pdf)

[Social Housing in South West of England](C://Users/Projects/Desktop/Safeguarding%20and%20Prevent%20Dec%202019/JSHAO-20-LOCAL_AUTHORITIES_IN_THE_SOUTH_WEST_OF_ENGLAND.pdf)

**The Joint Strategic Needs Assessment**

[Bath and North east Somerset](https://www.bathandnortheastsomersetccg.nhs.uk/documents/links/jsna)

[Bournemouth. Dorset and Poole](https://www.publichealthdorset.org.uk/jsna/joint-strategic-needs-assessment.aspx)

[Bristol](https://www.bristol.gov.uk/policies-plans-strategies/joint-strategic-needs-assessment)

[Devon](https://www.devonhealthandwellbeing.org.uk/jsna/)

[Cornwall](https://www.cornwall.gov.uk/health-and-social-care/public-health-cornwall/joint-strategic-needs-assessment-jsna/)

[Somerset](http://www.somersetintelligence.org.uk/jsna/)

[Swindon](http://www.swindonjsna.co.uk/)

[Wiltshire](https://www.wiltshireintelligence.org.uk/)