

Protect and Teach CIC
Policy Analysis Paper No. 2

Keeping Children Safe in Education 2026

What Schools, Governors and Parents Need to Know

An Independent Analysis of the 2026
Statutory Guidance


Department
for Education

Keeping children
safe in education
2026

Statutory guidance for schools
and colleges

For information only, this guidance
does not come into force until 1
September 2026



Protect and Teach
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Document Information

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Keeping Children Safe in Education 2026: What Schools, Governors and Parents Need to Know — An Independent Analysis of the 2026 Statutory Guidance

Published: September 2026

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Suggested citation:

Protect and Teach CIC, *Keeping Children Safe in Education 2026: What Schools, Governors and Parents Need to Know — An Independent Analysis of the 2026 Statutory Guidance* (Policy Analysis Paper No. 2, September 2026).

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Company number: 17355556

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Disclaimer

This briefing has been prepared by Protect and Teach CIC as an educational and policy-analysis resource. It explains and analyses statutory guidance, legislation, case law, official publications and other evidence available at the date of publication.

Nothing in this document constitutes legal advice. Schools, colleges, governing bodies, academy trusts, proprietors, parents or other organisations and individuals should obtain appropriate legal or professional advice where the circumstances of an individual case require it.

This briefing distinguishes, wherever material, between:

- requirements imposed by legislation;
- requirements and expectations contained in statutory guidance;
- non-statutory government guidance and professional guidance;
- findings arising from published evidence;
- and Protect and Teach's own analysis and recommendations.

Where Protect and Teach expresses an interpretation, concern or recommendation, it should not be treated as though it were itself a statutory requirement.

The principal source for this briefing is the **September 2026 edition of Keeping Children Safe in Education**, which came into force on 1 September 2026 and replaced the previous version.¹

¹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026). The September 2026 version came into force on 1 September 2026 and replaced previous versions

Executive Summary

Keeping Children Safe in Education 2026 (“KCSIE 2026”) is the Department for Education's statutory safeguarding guidance for schools and colleges in England. It sets out legal duties with which schools and colleges must comply and provides statutory guidance on the arrangements required to safeguard and promote the welfare of children.²

The September 2026 edition came into force on **1 September 2026**, replacing previous versions. Among the important changes is the removal of the former shorter version of Part One. KCSIE 2026 states that governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One..³

This is significant because safeguarding is not confined to the designated safeguarding lead (“DSL”), senior leadership team or members of staff whose roles bring them into regular contact with vulnerable pupils. KCSIE continues to place safeguarding within a whole-school and whole-college framework in which **safeguarding is everyone's responsibility**. The Department for Education's accompanying Part One overview emphasises a child-centred approach, timely help and the place of schools and colleges within a wider safeguarding system involving children's social care, police and health services.⁴

Protect and Teach's central conclusion is that understanding the wording of KCSIE is necessary, but **is not by itself sufficient for lawful and effective safeguarding practice**.

² Department for Education, *Keeping Children Safe in Education 2026*. The Department describes the guidance as setting out the legal duties schools and colleges must comply with to safeguard and promote the welfare of children and young people under 18.

³ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), ‘School and college staff’. KCSIE states that governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One.

⁴ Department for Education, *Keeping Children Safe in Education 2026: Part One – Overview for All Staff* (updated 1 September 2026), ‘Core principles’. The overview states that safeguarding is everyone's responsibility, stresses a child-centred approach and describes schools and colleges as part of a wider safeguarding system.

KCSIE does not operate in isolation

KCSIE sits within a much wider legal and safeguarding framework.

Schools may simultaneously be required to consider education legislation, child-protection law, equality law, human-rights obligations, data-protection and information-sharing requirements, statutory guidance, regulatory requirements and relevant case law.

New provisions in KCSIE therefore do not operate in isolation. They sit alongside existing duties and must be understood within that wider framework.

Reading a paragraph of KCSIE without considering the legislation and other statutory provisions to which it relates can produce an incomplete; and potentially incorrect, understanding of what a school is required to do.

That principle runs throughout this briefing.

It is particularly important where safeguarding decisions affect more than one child, engage competing rights or interests, require information to be shared, involve parents or carers, concern privacy or single-sex provision, or require school leaders to exercise professional judgement rather than follow a simple procedural rule.

The 2026 changes matter in practice

KCSIE 2026 should not be approached simply as an annual safeguarding document requiring minor policy amendments.

The revised guidance sits within a wider programme of changes to children's safeguarding and education in England. *Working Together to Safeguard Children* was revised in March 2026, and further statutory guidance concerning safeguarding information sharing was published in September 2026.⁵

⁵ Department for Education, *Working Together to Safeguard Children 2026* (18 March 2026); Department for Education, *Information Sharing to Safeguard Children and Young People* (September 2026). The latter statutory guidance replaced DfE's previous information-sharing guidance and supports implementation of the new information-sharing duty applying from September 2026.

Schools therefore need to consider not merely whether their safeguarding policy contains the words “KCSIE 2026”, but whether their **policies, procedures, staff knowledge, governance arrangements and day-to-day practice actually reflect the current framework.**

This includes ensuring that:

- staff know what they are expected to read and understand;
- safeguarding concerns are recognised and acted upon;
- information is recorded and shared appropriately;
- leaders understand their responsibilities;
- governors and trustees exercise meaningful safeguarding oversight;
- school policies accurately reflect current statutory requirements;
- professional judgement is properly exercised and recorded;
- parents understand relevant safeguarding arrangements and routes for raising concerns;
- and decisions affecting individual children remain child-centred, lawful and capable of justification.

Knowing the guidance is not the same as implementing it

A recurring theme in safeguarding reviews is that serious failures do not necessarily result from the absence of rules. They can arise because existing responsibilities are not understood, information is not shared, concerns are not followed through, records are inadequate, professional curiosity is lost or governance does not identify weaknesses.

For that reason, this briefing moves beyond describing what KCSIE says.

It asks a second question:

What does a school, governing body or parent need to know for the guidance to work in practice?

For schools and DSLs, that means translating statutory guidance into effective procedures, defensible safeguarding decisions and appropriate records.

For governors and trustees, it means understanding what effective safeguarding oversight looks like rather than assuming that possession of a compliant-looking policy demonstrates compliance.

For parents, it means understanding what schools are expected to do, what questions can reasonably be asked and where safeguarding responsibilities sit when concerns arise.

Protect and Teach's approach

Protect and Teach welcomes provisions that improve safeguarding clarity, strengthen accountability or help schools protect children effectively.

Where the guidance requires interpretation alongside other legal duties, this briefing identifies that wider framework.

Where Protect and Teach considers that implementation requires particular care, that analysis is identified as **Protect and Teach Analysis**, rather than presented as though it were wording contained in KCSIE itself.

The objective is straightforward:

Schools should know what the guidance requires. Governors should know how to assure themselves that it is being implemented. Parents should be able to understand what effective safeguarding should look like.

The chapters that follow examine KCSIE 2026 on that basis.

1. About This Briefing

1.1 Purpose

The purpose of this briefing is to provide an accessible but legally grounded analysis of *Keeping Children Safe in Education 2026*.

It is not intended to reproduce the 198-page statutory guidance or replace the need to read it. KCSIE 2026 states that governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One. DfE's separate Part One overview complements rather than replaces Part One.⁶

Instead, this briefing concentrates on three questions:

- **What has changed?**
- **What does it mean in practice?**
- **What do schools, governors and parents need to know?**

This approach reflects an important distinction between knowing that guidance exists and understanding how it should be implemented.

1.2 Who this briefing is for

This briefing has been written principally for:

- **Schools and colleges**, including headteachers, senior leaders, DSLs, teachers and other staff who need to understand how the 2026 guidance affects safeguarding practice.
- **Governors, trustees and proprietors**, who have responsibilities for safeguarding governance and need sufficient understanding to scrutinise arrangements effectively.
- **Parents and carers**, who may reasonably want to understand the safeguarding framework within which decisions concerning their children are made.

⁶ Department for Education, *KCSIE 2026: Part One states that governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One*

It may also be useful to safeguarding professionals, policymakers, researchers and organisations working with schools.

Different readers will need different levels of operational detail. Later chapters therefore identify separately what the principal changes mean for schools and DSLs, governors and trustees, and parents.

1.3 Scope

This briefing focuses on the aspects of KCSIE 2026 that have particular significance for safeguarding practice, governance, accountability and decisions affecting children.

It considers the principal changes to the 2026 guidance together with areas in which those changes interact with the wider legal and safeguarding framework.

It does **not** attempt to provide a paragraph-by-paragraph commentary on the whole of KCSIE.

Readers requiring detailed operational instructions should always consult the statutory guidance itself.

1.4 How this briefing approaches KCSIE 2026

Protect and Teach uses four categories throughout this paper.

LAW – A requirement arising from legislation, regulations or binding legal authority.

STATUTORY GUIDANCE – A requirement, expectation or recommendation contained in KCSIE or another form of statutory guidance.

EVIDENCE – A finding arising from official reviews, published research, inspection evidence or other identified sources.

PROTECT AND TEACH ANALYSIS – Protect and Teach's interpretation, assessment or recommendation.

This distinction is important.

A recommendation made by Protect and Teach does not become a statutory requirement merely because we consider it good safeguarding practice. Equally, a provision contained in statutory guidance should not be described merely as optional advice simply because it does not appear verbatim in an Act of Parliament.

Precision about the status of different requirements is part of good safeguarding governance.

Figure 1.1: How this briefing is structured



Protect and Teach’s analytical approach distinguishes between the underlying law, statutory guidance and the supporting evidence base before setting out Protect and Teach’s analysis and practical recommendations. This structure is intended to make clear which conclusions arise from legal or statutory requirements and which represent Protect and Teach’s own analysis or recommendations.

1.5 KCSIE must not be read in isolation

This is one of the central principles of this briefing. KCSIE forms part of a wider safeguarding system.

Section 175 of the Education Act 2002 requires local authorities and governing bodies of maintained schools to make arrangements for ensuring that their relevant functions are exercised with a view to safeguarding and promoting children's welfare, and requires specified bodies to have regard to guidance issued by the Secretary of State.⁷

Different statutory arrangements apply across other categories of educational institutions, but the central point remains:

KCSIE operates within law; it does not replace it.

The safeguarding framework also extends beyond education legislation. Depending upon the issue, relevant provisions may include the Children Acts, equality and human-rights law, data-protection legislation, regulations applying to educational premises, other statutory safeguarding guidance and relevant judicial decisions.

Working Together to Safeguard Children 2026 further emphasises that safeguarding is a shared responsibility across agencies rather than a function performed by schools in isolation.⁸

⁷ Education Act 2002, s 175. Section 175 requires specified education bodies to make arrangements with a view to safeguarding and promoting children's welfare and provides for regard to be had to Secretary of State guidance.

⁸ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026).

Figure 1.2: KCSIE 2026 within the wider legal and safeguarding framework



Illustrative overview of the interlocking legal, statutory and policy framework within which schools implement KCSIE 2026. Relevant legislation and statutory safeguarding guidance inform school policies and day-to-day safeguarding practice. The diagram illustrates how these sources operate together and is not intended to represent a strict hierarchy of legal authority.

The practical consequence is important.

A school cannot necessarily answer a difficult safeguarding question merely by locating one paragraph of KCSIE.

It may need to ask:

- **What does KCSIE say?**
- **What does the underlying legislation require?**
- **Does another statutory regime apply?**
- **Are the rights or welfare of other children affected?**
- **What information is available?**
- **What needs to be recorded or shared?**
- **What professional judgement is required?**

Those questions do not weaken KCSIE. They are part of implementing it properly.

This briefing therefore returns to the wider statutory framework wherever it is materially relevant. That is deliberate rather than repetitive: the purpose is to show **how the different parts of the safeguarding framework operate together in practice.**

What schools, governors and parents need to know

- **Schools:** KCSIE should be embedded in policies, training and safeguarding practice, but individual decisions may also require consideration of legislation and other statutory guidance.
- **Governors and trustees:** assurance should extend beyond asking whether the school has “updated its KCSIE policy”. Governors should understand whether the current statutory framework is reflected in actual safeguarding arrangements.
- **Parents:** KCSIE is an important source of safeguarding requirements, but it is not the only law or guidance governing decisions concerning children in schools.

2. KCSIE 2026: What It Is and What Changed

2.1 The status of KCSIE

Keeping Children Safe in Education 2026 is statutory guidance issued by the Department for Education for schools and colleges in England.

It sets out both **legal duties with which schools and colleges must comply** and statutory guidance concerning the arrangements they should have in place to safeguard and promote the welfare of children.⁹

That distinction is important.

KCSIE is not itself an Act of Parliament. Some of its provisions, however, describe requirements arising directly from legislation or regulations. Other provisions constitute statutory guidance about how safeguarding responsibilities should be carried out.

Schools and colleges are required to **have regard to** KCSIE when exercising the safeguarding functions to which it applies.¹⁰

This means that statutory guidance occupies a different legal position from ordinary advice or optional good-practice material. It must be taken seriously and considered properly by those to whom it is addressed.

The precise statutory basis differs according to the type of educational institution. KCSIE is issued under, among other provisions, section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015 and the Apprenticeships, Skills, Children and Learning Act 2009.¹¹

For the purposes of KCSIE, a child is anyone under the age of 18.¹²

⁹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), 'The status of this guidance' and 'About this guidance'.

¹⁰ Department for Education, *KCSIE 2026*, 'The status of this guidance'.

¹¹ Department for Education, *KCSIE 2026*, 'The status of this guidance'. See also Education Act 2002, s 175; Education (Independent School Standards) Regulations 2014; Non-Maintained Special Schools (England) Regulations 2015; Apprenticeships, Skills, Children and Learning Act 2009.

¹² Department for Education, *KCSIE 2026*, 'The status of this guidance'.

Figure 2.1: KCSIE 2026 – a child is anyone under the age of 18

2. Safeguarding and promoting the welfare of children is everyone's responsibility. 'Children' means everyone under the age of 18. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.

Paragraph 2 of KCSIE 2026 confirms that, for the purposes of the guidance, "children" means everyone under the age of 18. It also places that definition within KCSIE's core principles that safeguarding is everyone's responsibility, practice should be child-centred and practitioners should consider the best interests of the child.

The guidance applies across a broad range of educational settings, including maintained, non-maintained and independent schools, academies, free schools, alternative provision academies, maintained nursery schools and pupil referral units, together with the colleges and other institutions specified within the guidance.¹³

The practical consequence is that schools should not treat KCSIE as merely an annual safeguarding handbook.

It forms part of the statutory framework within which safeguarding functions are exercised.

2.2 What "must" and "should" mean

KCSIE deliberately distinguishes between the words **"must"** and **"should"**.

The Department for Education explains that:

- **"must"** is used where the person concerned is legally required to do something; and
- **"should"** is used where the advice should be followed unless there is a good reason not to.¹⁴

This distinction matters.

¹³ Department for Education, KCSIE 2026, 'About this guidance'.

¹⁴ Department for Education, KCSIE 2026, 'About this guidance'. KCSIE explains that "must" denotes a legal requirement and "should" denotes advice that should be followed unless there is good reason not to.

A “**must**” therefore points the reader to a legal requirement. The source of that requirement may lie in primary legislation, regulations or another binding legal provision rather than in KCSIE itself.

A “**should**” does not mean that the provision can simply be ignored because a school would prefer another approach. It reflects the status of the document as statutory guidance: the guidance should be followed unless there is a proper reason for departing from it.

This is why Protect and Teach recommends that governors, trustees and senior leaders pay attention not only to **what** KCSIE says, but also to the language used.

Where the guidance says that an organisation or individual **must** do something, the underlying legal requirement should be identified and complied with.

Where it says that they **should** do something, any material departure should be capable of being explained by reference to the circumstances and the applicable legal framework.

Protect and Teach Explainer

“Must” does not mean the same thing as “should”

The distinction is simple but important.

MUST = a legal requirement.

SHOULD = statutory guidance that should be followed unless there is good reason not to.

Neither should be reduced to a checklist exercise.

Where KCSIE says **must**, schools should understand the legal duty behind the requirement.

Where KCSIE says **should**, decision-makers should not assume that this means “optional”. If a school materially departs from statutory guidance, it should be able to identify and explain the reasons for doing so.

The legal principles governing departure from statutory guidance are considered more fully in **section 3.7**, including the decision of the House of Lords in *R (Munjaz) v Mersey Care NHS Trust*.

2.3 The September 2026 guidance

The current edition of KCSIE came into force on **1 September 2026**, replacing the previous version.¹⁵

The complete guidance runs to **198 pages** and is divided into five principal parts:

- **Part One: Safeguarding information for all staff**
- **Part Two: The management of safeguarding**
- **Part Three: Safer recruitment**
- **Part Four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors**
- **Part Five: Child-on-child sexual violence and sexual harassment**

Further material is contained in the annexes, including detailed information on particular safeguarding issues, the role of the DSL and, importantly for understanding the 2026 revision, **Annex C: KCSIE 2026 – Summary of Changes**.¹⁶

Annex C is useful because annual revisions to KCSIE do not all have the same significance. Some changes reflect new legislation or statutory requirements; some incorporate new safeguarding policy; some expand or clarify existing expectations; and others update terminology, references or supporting material.

This briefing therefore does not treat every textual amendment as though it creates a new legal duty.

Instead, the following chapters identify the changes that materially affect safeguarding responsibilities, governance or practice.

¹⁵ Department for Education, *Keeping Children Safe in Education* (GOV.UK, updated 1 September 2026). The September 2026 version is now in force and replaces previous versions.

¹⁶ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, 'KCSIE 2026: Summary of Changes', pp 191–197.

2.4 Principal changes in 2026

KCSIE 2026 contains a substantial set of changes rather than a simple technical refresh.

For the purposes of this briefing, the principal developments can be grouped into the following themes:

- safeguarding information that **all staff must read and understand**;
- revised arrangements concerning **information sharing and record keeping**;
- changes affecting **governance, leadership and safeguarding oversight**;
- developments concerning **online safety and emerging digital risks**;
- safeguarding issues associated with **attendance and children who may be missing education**;
- provisions relevant to **alternative provision**;
- changes arising from legislation affecting **regulated activity and safeguarding checks**;
- new statutory safeguarding material concerning **children who are questioning their gender**;
- associated provisions concerning **single-sex spaces, facilities and sport**;
- and updates to supporting safeguarding information and resources.¹⁷

Some of these changes are principally procedural. Others have potentially significant implications for decisions affecting individual children.

For that reason, this paper examines not merely whether wording has changed, but what the change means within the wider legal and safeguarding framework.

¹⁷ Department for Education, *KCSIE 2026*, Annex C, 'KCSIE 2026: Summary of Changes', pp 191–197. The themes used here group related amendments for the purposes of this briefing and are not themselves Department for Education categories.

Figure 2.2: KCSIE 2026 – principal areas of change

1		All staff must read Part One	The former shorter version has been removed. All staff must now read Part One in full, including those who do not work directly with children.
2		Information sharing and record keeping	Updated guidance on sharing information, record keeping and related safeguarding responsibilities.
3		Governance, leadership and oversight	Clarified responsibilities for governing bodies, trustees, proprietors and senior leaders, including safeguarding oversight and accountability.
4		Online safety and digital risks	Revised and expanded material on online safety, including emerging digital risks and new forms of harm.
5		Attendance and children missing education	Updated guidance on attendance and support for children who may be missing education.
6		Alternative provision	New and updated safeguarding provisions relevant to alternative provision settings.
7		Regulated activity and safeguarding checks	Changes arising from legislation affecting regulated activity and safeguarding checks, including updates to relevant requirements and expectations.
8		Children who are questioning their gender	New statutory safeguarding material on children who are questioning their gender, including guidance for schools and colleges.
9		Single-sex spaces, facilities and sport	Updated guidance relevant to single-sex spaces, facilities and sport, including consideration of safeguarding, equality and human rights law.
10		Supporting material and resources	Other updates to terminology, links, examples and supporting safeguarding information throughout the guidance and annexes.

Overview of the principal 2026 developments examined in this briefing. The figure groups related changes for ease of explanation and should not be read as suggesting that every amendment has the same legal status or creates a new statutory duty.

2.5 Part One: the reading expectation for all staff

One of the clearest practical changes in KCSIE 2026 concerns **Part One**.

In previous editions, staff who did not work directly with children could be directed to a shorter version of the safeguarding information. That shorter version has now been removed.

KCSIE 2026 states that governing bodies and proprietors **should ensure that staff who work directly with children read at least Part One of the**

guidance. It now also states that they **should ensure that staff who do not work directly with children read Part One.**¹⁸

The guidance further states that governing bodies and proprietors **should ensure that mechanisms are in place to assist staff to understand and discharge their roles and responsibilities as set out in Part One.**¹⁹ This is important: the expectation is not simply that Part One is distributed or that staff confirm they have read it. Schools should also have arrangements that support staff in understanding and applying their safeguarding responsibilities.

DfE has also produced a separate **Part One — Overview for All Staff.**

That overview is intended as a quick-reference resource. It **does not replace Part One.** DfE describes it as complementary to Part One and confirms that staff are still expected to read Part One itself.²⁰

The change is therefore more than administrative.

It establishes a common safeguarding baseline across the workforce. Staff should have a shared understanding of core safeguarding principles, what they need to know and do, information sharing, record keeping, concerns or allegations about staff, and whistleblowing.²¹

¹⁸ Department for Education, *KCSIE 2026*, 'School and college staff', p 7. The guidance states that governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One.

¹⁹ Department for Education, *Keeping Children Safe in Education 2026: Part One — Overview for All Staff* (updated 1 September 2026). The Department states that the overview complements rather than replaces Part One.

²⁰ Department for Education, *KCSIE 2026*, Part One; Department for Education, *Keeping Children Safe in Education 2026: Part One — Overview for All Staff* (updated 1 September 2026). These materials set out the core safeguarding information for staff, including safeguarding responsibilities, information sharing, record keeping, concerns or allegations about staff, and whistleblowing.

²¹ Department for Education, *Keeping Children Safe in Education 2026: Part One — Overview for All Staff* (updated 1 September 2026). The overview is intended to support understanding and provide a quick-reference resource; it complements, and does not replace, Part One.

Figure 2.3: KCSIE 2026 – Part One reading expectations for school and college staff

School and college staff

It is essential that **everybody** working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children read **at least Part one** of this guidance.

Governing bodies and proprietors, working with their senior leadership teams and especially their designated safeguarding lead, should now also ensure that those staff who do not work directly with children read **Part one** of this guidance.

Governing bodies and proprietors should ensure that mechanisms are in place to assist staff to understand and discharge their roles and responsibilities as set out in Part one of this guidance.

The 2026 guidance extends Part One across the school and college workforce: governing bodies and proprietors should ensure that staff who work directly with children read at least Part One and should now also ensure that staff who do not work directly with children read Part One. They should also have mechanisms in place to assist staff to understand and discharge the responsibilities set out in Part One.

What schools, governors and parents need to know

Schools: induction, safeguarding training and staff communications should reflect the new requirement. A historic training arrangement based upon some staff reading only the former shortened safeguarding information is no longer sufficient.

Governors and trustees: assurance should include checking that the school has identified **all staff** covered by the requirement and has an effective means of ensuring that Part One has been read and understood.

Parents: the change means that the national safeguarding framework expects a common core level of safeguarding awareness across school and college staff, rather than limiting detailed Part One knowledge to staff who work directly with children.

The accompanying overview can support understanding and refresh knowledge, but it cannot be substituted for reading Part One.

3. The Wider Legal and Safeguarding Framework

3.1 Why the wider framework matters

KCSIE 2026 is a central part of the safeguarding framework for schools and colleges in England, but it is not the whole framework.

The guidance itself reflects this. It sets out legal duties that schools and colleges **must** comply with alongside statutory guidance about what they **should** do. It also places schools and colleges within a wider safeguarding system involving local authorities, children's social care, the police, health services and other agencies.²²

Figure 3.1: KCSIE 2026 – the status of the guidance

The status of this guidance

This is statutory guidance from the Department for Education ('the Department') issued under Section 175 of the Education Act 2002 (as amended), the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015 and the Apprenticeships, Skills, Children and Learning Act 2009 (as amended). Schools and colleges in England **must** have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of this guidance children means everyone under the age of 18.

The opening section of KCSIE 2026 identifies the statutory basis of the guidance, the settings to which it applies and the requirement to have regard to it when carrying out safeguarding duties.

This matters because a safeguarding decision may engage several legal and statutory responsibilities at the same time.

Depending on the circumstances, a school may need to consider:

- education legislation and regulations;
- child-protection and wider children's legislation;
- *Working Together to Safeguard Children 2026*;
- equality and human-rights law;
- data-protection and information-sharing requirements;

²² Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), 'The status of this guidance', 'About this guidance' and Part One; Department for Education, *Keeping Children Safe in Education 2026: Part One – Overview for All Staff* (updated 1 September 2026), 'Core principles'.

- requirements applying to particular types of school or educational setting;
- other statutory guidance; and
- relevant case law.

The correct question is therefore not always simply:

“What does KCSIE say?”

It may also be necessary to ask what legal duty sits behind the relevant provision, whether another statutory regime applies, what information may or must be shared, whose rights and welfare are affected, and what professional judgement is required.

This is particularly important where a safeguarding decision involves competing considerations. A decision intended to support one child may also affect other children; information relevant to safeguarding may engage privacy and data-protection considerations; parental involvement may need to be considered alongside the child's welfare; and arrangements within a school may engage safeguarding requirements alongside equality or human-rights law.

The existence of several relevant duties does not mean that safeguarding becomes secondary. It means that **effective safeguarding requires the relevant duties to be understood together.**

That approach is also consistent with *Working Together to Safeguard Children 2026*. The guidance describes safeguarding as a shared responsibility and establishes a multi-agency framework for helping, supporting and protecting children.²³

What this means in practice

Schools should be able to identify **why** a particular course of action is required, not merely point to a paragraph of KCSIE.

Governors and trustees should therefore be cautious about treating safeguarding compliance as a document-checking exercise. The existence of an updated safeguarding policy is important, but it does not

²³ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), ch 1, ‘A shared responsibility’.

by itself demonstrate that the underlying statutory framework is understood or implemented.

For parents, the wider framework helps explain why the answer to a safeguarding question may sometimes be found partly in KCSIE and partly in legislation, another form of statutory guidance or the particular facts of the child's circumstances.

The sections that follow identify the principal parts of that wider framework that are necessary to understand the significant changes in KCSIE 2026.

Protect and Teach Commentary

KCSIE is the starting point, not always the end of the legal question.

A safeguarding decision should not be justified simply by saying that it is “in KCSIE”. Decision-makers should understand the status of the relevant provision, any underlying legal duty, and any other statutory requirements that materially affect the decision.

3.2 Education legislation

The statutory basis for safeguarding duties is not identical across every type of school or college.

For maintained schools and local authorities, one of the principal provisions is **section 175 of the Education Act 2002**. It requires local authorities and governing bodies of maintained schools to make arrangements to ensure that their relevant functions are exercised with a view to safeguarding and promoting the welfare of children. It also requires them to have regard to guidance issued by the Secretary of State when carrying out those duties.²⁴

²⁴ Education Act 2002, s 175; Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), ‘The status of this guidance’. Section 175 requires local authorities and governing bodies of maintained schools to make arrangements to ensure that their relevant functions are exercised with a view to safeguarding and promoting the welfare of children and requires them to have regard to guidance issued by the Secretary of State.

KCSIE 2026 identifies a number of statutory provisions under which the guidance is issued or which require relevant institutions to have regard to it. These include:

- **section 175 of the Education Act 2002;**
- the **Education (Independent School Standards) Regulations 2014;**
- the **Non-Maintained Special Schools (England) Regulations 2015;**
and
- the **Apprenticeships, Skills, Children and Learning Act 2009.**

These different statutory routes reflect the different legal structures applying to maintained schools, independent schools and academies, non-maintained special schools, and relevant post-16 institutions. KCSIE brings those settings within a common safeguarding framework, but the underlying legal source of a particular obligation may differ according to the institution concerned.

That distinction is important when interpreting the guidance.

Where KCSIE uses **“must”**, the legal requirement may originate in legislation or regulations applying to a particular category of institution. Schools, governors and trustees should therefore avoid assuming that the wording of KCSIE is itself the source of every legal duty described within it.

Equally, compliance with an underlying statutory duty cannot necessarily be demonstrated simply by showing that a policy reproduces wording from KCSIE. Section 175, for example, concerns the **arrangements** made for safeguarding and promoting children's welfare. The practical question is therefore whether safeguarding is reflected in the way relevant functions are actually exercised, not merely whether an appropriate policy exists.

This helps explain why KCSIE places substantial emphasis on governance, staff understanding, safeguarding procedures and effective implementation.

Different settings, same safeguarding purpose

The precise legal route may vary, but the common purpose is the safeguarding and promotion of children's welfare.

This is also reflected in *Working Together to Safeguard Children 2026*, which confirms that schools and colleges must have regard to KCSIE and places education settings within the wider statutory safeguarding system.

For governors, trustees and proprietors, the practical implication is straightforward: **knowing that KCSIE applies is not always enough**. Where a significant safeguarding decision or governance question arises, it may be necessary to identify the particular legislation or regulations applying to the institution and the legal duty underlying the relevant passage of guidance.

3.3 Children and safeguarding legislation

Education legislation is only one part of the framework. Safeguarding decisions in schools also operate within the wider system established principally by the **Children Act 1989**, the **Children Act 2004** and associated statutory guidance.

The Children Act 1989 provides important statutory foundations for intervention where a child requires additional support or protection.

Under **section 17**, local authorities have a general duty to safeguard and promote the welfare of children within their area who are **in need**, and, so far as is consistent with that duty, to promote the upbringing of those children by their families by providing services appropriate to their needs.²⁵

A different threshold applies under **section 47**. Where a local authority has reasonable cause to suspect that a child who lives, or is found, in its area **is suffering, or is likely to suffer, significant harm**, it must make, or cause to be made, the enquiries it considers necessary to decide whether action should be taken to safeguard or promote the child's welfare.²⁶

These provisions matter to schools because staff are often well placed to identify changes in a child's behaviour, attendance, presentation or

²⁵ Children Act 1989, s 17(1). Section 17 places a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need and, so far as is consistent with that duty, to promote their upbringing by their families through the provision of appropriate services.

²⁶ Children Act 1989, s 47(1). Where a local authority has reasonable cause to suspect that a child in its area is suffering, or is likely to suffer, significant harm, it must make, or cause to be made, such enquiries as it considers necessary to decide whether action should be taken to safeguard or promote the child's welfare.

circumstances that may indicate a need for help or protection. The school's role is not to conduct a section 47 investigation itself or to establish conclusively that abuse has occurred before raising a concern. KCSIE and *Working Together to Safeguard Children 2026* place schools within the wider system through which concerns are identified, information is shared and appropriate referrals or other safeguarding action can be taken.²⁷

The **Children Act 2004** strengthened that multi-agency framework. Among its provisions are duties concerning co-operation and arrangements to safeguard and promote children's welfare, together with the statutory framework for local safeguarding arrangements.²⁸

Safeguarding is not confined to child-protection investigations

An important practical distinction follows.

Safeguarding is broader than child protection.

Protect and Teach Explainer

Safeguarding does not begin at the section 47 threshold

Section 17 – Children in need Support may be required to safeguard and promote a child's welfare.

Section 47 – Significant harm Where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, the local authority must make, or cause to be made, the enquiries it considers necessary.

The practical point: a concern does not have to reach the section 47 threshold before safeguarding action or support may be appropriate.

²⁷ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Part One; Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), chs 1 and 3.

²⁸ Children Act 2004, ss 10–11 and 16E–16J; Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), ch 2.

A child does not have to meet the threshold for a section 47 enquiry before a school can have safeguarding responsibilities or before help may be appropriate. The statutory framework encompasses support for children and families as well as intervention where significant harm is suspected.

Working Together to Safeguard Children 2026 reflects this continuum. Its 2026 revision brings targeted early help and section 17 support together within **family help**, while retaining strengthened arrangements for child protection where the section 47 threshold is engaged.²⁹

For schools, this means that safeguarding practice should not become a binary question of whether a concern is sufficiently serious for children's social care to commence child-protection enquiries. Staff should recognise concerns, follow the school's safeguarding procedures, involve the DSL or deputy as appropriate, record relevant information and ensure that concerns are considered within the appropriate pathway for help, support or protection.

For governors and trustees, effective oversight therefore includes understanding whether the school's arrangements enable concerns to be identified and acted upon **before as well as after they reach the threshold for formal child-protection intervention**.

For parents, the distinction helps explain why a school may raise, record or discuss a safeguarding concern even where the circumstances do not result in a section 47 enquiry or other formal child-protection process.

3.4 Equality and human-rights law

Safeguarding decisions in schools may also engage duties under the **Equality Act 2010** and the **Human Rights Act 1998**.

These duties do not sit outside safeguarding. Depending on the circumstances, they may form part of the legal framework within which a safeguarding decision must be made.

²⁹ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), ch 3, 'Providing help, support and protection'. The 2026 framework brings targeted early help and section 17 support together within the family help arrangements while retaining the statutory child-protection framework under s 47 of the Children Act 1989.

Equality Act 2010

The Equality Act 2010 protects pupils from unlawful discrimination in education. Section 85 applies to the responsible bodies of schools and prohibits discrimination in matters including the provision of education, access to benefits, facilities or services, exclusion and other detriment. It also imposes duties concerning harassment, victimisation and reasonable adjustments.³⁰

The Act identifies a number of protected characteristics. In the school provisions, the relevant framework includes **disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation**. Age and marriage and civil partnership are excluded from this part of the schools regime.³¹

The existence of a protected characteristic does not mean that every difference in treatment is unlawful. The Equality Act contains specific exceptions and provisions permitting different treatment in defined circumstances. For example, Schedule 11 contains exceptions relating to admission to single-sex schools, while section 195 makes provision for participation in certain competitive sporting activities.³²

This is particularly relevant to KCSIE 2026 because safeguarding arrangements may affect privacy, dignity, facilities, participation and the interests of more than one pupil. The correct legal analysis therefore depends upon the particular decision being made, the protected characteristics engaged, the relevant provision of the Equality Act and whether any applicable exception applies.

³⁰ Equality Act 2010, s 85.

³¹ Equality Act 2010, ss 4 and 84. Part 6, Chapter 1 does not apply to the protected characteristics of age or marriage and civil partnership.

³² Equality Act 2010, sch 11, para 1; s 195. See also Department for Education, *Equality Act 2010: Advice for Schools*; Ofsted, *Protected characteristics and separation by sex on school inspections* (5 November 2025).

Protect and Teach Explainer

Equality does not always mean identical treatment

The Equality Act prohibits **unlawful discrimination**. It does not require every pupil to be treated identically in every circumstance.

Some differences in treatment are expressly permitted by law, while others may depend upon matters such as the reason for the treatment, the particular protected characteristic involved and whether a statutory exception applies.

The practical point: schools should identify the actual legal provision that applies rather than assuming either that different treatment is automatically discriminatory or that safeguarding concerns automatically displace equality duties.

Human Rights Act 1998

The **Human Rights Act 1998** provides a further part of the framework.

Section 6 makes it unlawful for a public authority to act incompatibly with a Convention right, subject to the statutory exceptions contained in that section. The definition of public authority also includes a person certain of whose functions are functions of a public nature.³³

Rights that may be relevant in an educational or safeguarding context include:

- **Article 8** – respect for private and family life;
- **Article 9** – freedom of thought, conscience and religion;
- **Article 10** – freedom of expression; and
- **Article 14** – enjoyment of Convention rights without discrimination.³⁴

These rights are not all absolute. Articles 8, 9 and 10 expressly permit restrictions in specified circumstances, subject to the tests contained within the relevant Article. Article 14 operates in relation to the enjoyment of the other Convention rights.

³³ Human Rights Act 1998, s 6.

³⁴ Human Rights Act 1998, sch 1, arts 8, 9, 10 and 14.

This means that identifying a right is **the beginning of the analysis, not necessarily the end of it**. Where a safeguarding decision engages Convention rights, schools may need to consider the legal basis for the decision, the purpose being pursued, the rights and interests of others and, where relevant, whether an interference is necessary and proportionate.

For governors, trustees and school leaders, the practical lesson is that safeguarding, equality and human rights should not be treated as competing policy preferences. They are parts of the legal framework within which decisions must be made.

3.5 Data protection and information sharing

Safeguarding depends upon relevant information being recorded, understood and shared with the people who need it. Data-protection law is an important part of that process, but it should not be treated as a reason to prevent necessary safeguarding information from being shared.

KCSIE 2026 makes the principle particularly clear for staff: data protection is not a barrier to safeguarding, and information should be shared and recorded when necessary to protect a child.³⁵

The wider statutory framework explains why this matters. *Working Together to Safeguard Children 2026* states that no single practitioner is likely to have a complete picture of a child's needs and circumstances. Effective information sharing between practitioners, organisations and agencies can therefore be essential to identifying need, assessing risk and keeping children safe. It also notes that rapid reviews and child safeguarding practice reviews have identified missed opportunities to record, understand the significance of and share information in a timely way, sometimes with severe consequences for children.³⁶

Data protection still applies

The need to share safeguarding information does not remove responsibilities under the **UK GDPR** and the **Data Protection Act 2018**.

³⁵ Department for Education, *Keeping Children Safe in Education 2026: Part One – Overview for All Staff* (updated 1 September 2026), 'Information-sharing'.

³⁶ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), ch 1, paras 29–30.

Working Together states that practitioners must have due regard to the relevant data-protection principles and should understand the lawful bases and processing conditions that permit information to be stored and shared. Where special-category personal data is involved, practitioners should identify an appropriate lawful basis under Article 6 UK GDPR and satisfy an applicable condition under Article 9. The Data Protection Act 2018 provides for the safeguarding of children and individuals at risk as a processing condition in relevant circumstances.³⁷

Consent is therefore **not the only basis upon which safeguarding information may be shared**. Department for Education guidance for schools states that it is not usually necessary to obtain consent before sharing personal information for the purpose of safeguarding a child.³⁸

Protect and Teach Explainer

“Data protection” does not mean “do not share”

Do not assume: “We cannot tell anyone because of GDPR.”

Ask instead:

- Is there a safeguarding reason for sharing this information?
- What is the lawful basis for sharing it?
- Who needs the information?
- What information is necessary for that purpose?
- Has the decision; including the reason for sharing or not sharing, been recorded?

The practical point: data protection governs **how and why information is shared**. It should not be used as a blanket reason for withholding information needed to safeguard a child.

Recording decisions matters too

Information sharing and record keeping are closely connected. The DfE's 2026 Part One overview states that every safeguarding concern should

³⁷ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), ch 1, para 31; Data Protection Act 2018; UK GDPR, arts 6 and 9.

³⁸ Department for Education, *Data Protection in Schools: Sharing Personal Data, 'Safeguarding'*.

include a summary, the actions taken, decisions made, the rationale for those decisions and any outcomes.³⁹

For schools and DSLs, this means that the safeguarding record should show not merely **what happened**, but also what was done in response and why. DfE data-protection guidance also advises that, where safeguarding information is shared, the DSL should record who the information was shared with, why it was shared and whether consent had been obtained.⁴⁰

A further change in 2026

There is an important additional development for schools in September 2026. On **10 September 2026**, the Department for Education updated *Information Sharing to Safeguard Children and Young People* as statutory guidance to reflect the new **Information Sharing Duty under section 16LA of the Children Act 2004**. The new duty comes into force on **30 September 2026**.⁴¹

Figure 3.2: New statutory Information Sharing Duty – September 2026

Published 26 March 2015

Last updated 10 September 2026 — [Hide all updates](#)

10 September 2026

Updated as statutory guidance to reflect that the Information Sharing Duty under section 16LA of the Children Act 2004 comes into force on 30 September 2026. Added information sharing agreement templates.

The Department for Education updated its statutory information-sharing guidance on 10 September 2026 to reflect the new Information Sharing Duty under section 16LA of the Children Act 2004, which comes into force on 30 September 2026.

The guidance applies across a wide range of safeguarding organisations and services, expressly including **education**, alongside local authorities, health bodies, police, early years, youth justice and other services. It is intended to be read alongside *Working Together to Safeguard Children*. The DfE has also published two template multi-agency data-sharing

³⁹ Department for Education, *Keeping Children Safe in Education 2026: Part One – Overview for All Staff* (updated 1 September 2026), 'Recordkeeping'.

⁴⁰ Department for Education, *Data Protection in Schools: Sharing Personal Data*, 'Safeguarding'.

⁴¹ Department for Education, *Information Sharing to Safeguard Children and Young People* (updated 10 September 2026); Children Act 2004, s 16LA. The Information Sharing Duty comes into force on 30 September 2026.

agreements: one strategic and one operational, intended as starting points for local adaptation or for updating existing agreements.⁴²

Protect and Teach Commentary

A change schools should not overlook

*This briefing is being prepared during a short transition period. KCSIE 2026 came into force on **1 September 2026**, the revised information-sharing guidance was published on **10 September**, and the new statutory Information Sharing Duty takes effect on **30 September 2026**.*

Protect and Teach therefore recommends that schools and governing bodies specifically check whether their information-sharing procedures, local agreements and staff training reflect the new statutory framework, rather than assuming that existing arrangements remain sufficient.

*For parents, the wider point is equally important. A school should not simply invoke “**data protection**” or “**GDPR**” as a complete explanation for why safeguarding information cannot be shared. Equally, safeguarding does not permit unrestricted disclosure of personal information. The question is whether information can and should lawfully be shared in the particular circumstances.*

3.6 Other statutory guidance

KCSIE 2026 does not operate as a self-contained safeguarding code. Schools and colleges may need to read it alongside other statutory guidance, depending upon the circumstances of the child and the issue being considered.

One of the most important accompanying documents is **Working Together to Safeguard Children 2026**. Published in March 2026, it sets out the wider framework for multi-agency working to help, support and protect children in England. It applies beyond education and explains how local

⁴² Department for Education, *Information Sharing to Safeguard Children and Young People* (updated 10 September 2026), ‘Details’. The Department provides Tier 1 strategic and Tier 2 operational template data-sharing agreements for local adaptation. [DfE – Information Sharing to Safeguard Children and Young People](#)

authorities, health services, police and other organisations should work together within the safeguarding system.⁴³

For schools, this matters because a safeguarding concern does not necessarily begin or end at the school gate. A child may simultaneously be known to education, children's social care, health services, police or other agencies. KCSIE should therefore be understood within the wider arrangements for identifying concerns, sharing information, providing help and protecting children.

Other statutory guidance may become relevant to particular safeguarding circumstances. Examples include:

- **Children Missing Education** – substantially updated in September 2025 and now statutory for schools as well as local authorities. It addresses how schools and local authorities should work together to identify and support children who are missing education.⁴⁴
- **Prevent Duty Guidance** – statutory guidance issued under section 29 of the Counter-Terrorism and Security Act 2015. Specified authorities must have regard to it when carrying out the Prevent duty under section 26. The current England and Wales guidance came into force on 31 December 2023.⁴⁵
- **Information Sharing to Safeguard Children and Young People** – the statutory guidance discussed in section 3.5, updated in September 2026 to reflect the new Information Sharing Duty.⁴⁶

There are further statutory guidance documents dealing with particular children, circumstances and responsibilities. These include guidance concerning looked-after and previously looked-after children, female

⁴³ Department for Education, *Working Together to Safeguard Children 2026: Statutory Guidance* (18 March 2026), chs 1–2.

⁴⁴ Department for Education, *Children Missing Education: Statutory Guidance for Local Authorities and Schools* (updated 8 September 2025). The 2025 revision made the guidance statutory for schools as well as local authorities.

⁴⁵ Home Office, *Prevent Duty Guidance: England and Wales (2023)* (updated 6 March 2024), paras 2, 10 and 14; Counter-Terrorism and Security Act 2015, ss 26 and 29.

⁴⁶ Department for Education, *Information Sharing to Safeguard Children and Young People* (updated 10 September 2026); Children Act 2004, s 16LA.

genital mutilation and other specific areas of safeguarding and education.⁴⁷

The relevant framework will therefore depend upon the issue confronting the school. The Department for Education maintains a collection of statutory guidance applying to schools.

What this means in practice

Schools should avoid treating KCSIE as the only document that needs to be consulted whenever a safeguarding issue arises.

The question should instead be:

What law and statutory guidance apply to this particular decision?

For a DSL, that may mean moving from KCSIE to *Working Together* when a concern requires multi-agency involvement. An attendance or disappearance concern may require consideration of the statutory *Children Missing Education* guidance.

A concern about susceptibility to radicalisation may engage the Prevent framework. Information sharing may engage the statutory guidance discussed in **section 3.5**.

For governors and trustees, the same principle matters when scrutinising school policies. A policy can accurately cite KCSIE and still be incomplete if it fails to reflect another statutory framework that applies to the subject it covers.

For parents, it means that the source of a school's safeguarding responsibility may not always be found in KCSIE itself.

⁴⁷ Department for Education, *Schools: Statutory Guidance*, 'Safeguarding children and young people', current collection. The collection includes, among other documents, statutory guidance concerning looked-after and previously looked-after children and multi-agency guidance on female genital mutilation.

Protect and Teach Commentary

KCSIE is not the only safeguarding guidance

Think of KCSIE as part of a connected framework:



For example:

- **Multi-agency safeguarding** → *Working Together to Safeguard Children 2026*
- **Child missing education** → *Children Missing Education*
- **Risk of radicalisation** → *Prevent Duty Guidance*
- **Sharing safeguarding information** → *Information Sharing to Safeguard Children and Young People*

The practical point: finding a relevant paragraph in KCSIE may be the **start of the legal and safeguarding analysis, not necessarily the end of it.**

Figure 3.3: KCSIE 2026 within the wider statutory safeguarding framework



Illustrative overview showing how KCSIE may need to be read alongside other statutory guidance according to the safeguarding issue concerned. The applicable legal and statutory framework will depend on the particular circumstances.

3.7 Departing from statutory guidance

The fact that KCSIE is statutory guidance does not mean that every statement within it has the same legal status as an Act of Parliament or a statutory instrument. Equally, statutory guidance is not simply optional advice that a school can disregard because it prefers another approach.

KCSIE itself states that schools and colleges in England “**must have regard to it**” when carrying out their duties to safeguard and promote the welfare of children.⁴⁸

The significance of statutory guidance was considered by the House of Lords in **R (Munjaz) v Mersey Care NHS Trust**. The case concerned a statutory Code of Practice issued under the Mental Health Act 1983 rather

⁴⁸ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), ‘The status of this guidance’.

than education guidance, so it should not be presented as a case specifically deciding the legal effect of KCSIE. It nevertheless provides an important judicial explanation of the distinction between statutory guidance and binding legal instruction.⁴⁹

Lord Bingham explained that statutory guidance did not have the same binding effect as legislation. He described it as **“guidance and not instruction”**, while emphasising that it was considerably more than advice which the recipient could simply choose whether or not to follow. In the statutory context before the court, the guidance was to be considered with great care and departure required **“cogent reasons”**.⁵⁰

The judgment is also important for what happened next. The Trust had departed from part of the Code, but the House of Lords did **not** conclude that departure was automatically unlawful. The Trust had provided detailed evidence explaining its reasons, and the majority ultimately upheld its policy. Lord Bingham observed that where a practice was supported by a **“cogent reasoned justification”**, it was not for the court simply to condemn it as unlawful.⁵¹

Figure 3.4: Munjaz – the legal significance of statutory guidance

21. It is in my view plain that the Code does not have the binding effect which a statutory provision or a statutory instrument would have. It is what it purports to be, guidance and not instruction. But the matters relied on by Mr Munjaz show that the guidance should be given great weight. It is not instruction, but it is much more than mere advice which an addressee is free to follow or not as it chooses. **It is guidance which any hospital should consider with great care, and from which it should depart only if it has cogent reasons for doing so.** Where, which is not this case, the guidance addresses a matter covered by section 118(2), any departure would call for even stronger reasons. In reviewing any challenge to a departure from the Code, the court should scrutinise the reasons given by the hospital for departure with the intensity which the importance and sensitivity of the subject matter requires.

Extract from Lord Bingham's judgment in R (Munjaz) v Mersey Care NHS Trust [2005] UKHL 58, para 21. The case concerned a statutory Mental Health Act Code of Practice rather than KCSIE, but illustrates the distinction between statutory guidance and binding instruction.

What this means for KCSIE

⁴⁹ *R (Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58, [2006] 2 AC 148, paras 20–21. The case concerned the Code of Practice issued under s 118 Mental Health Act 1983 rather than education statutory guidance.

⁵⁰ *R (Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58, [2006] 2 AC 148, para 21 (Lord Bingham).

⁵¹ *R (Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58, [2006] 2 AC 148, paras 22–24 (Lord Bingham). The House of Lords restored the first-instance order and dismissed Mr Munjaz's application for judicial review.

Munjaz should not be converted into a formula that every departure from every statement in KCSIE automatically requires the same threshold. The legal effect of particular guidance depends upon its statutory basis, wording and context. KCSIE itself also distinguishes between provisions that use “**must**” and those that use “**should**”, as explained in section 2.2 of this briefing.

The safer practical principle is therefore:

Protect and Teach Commentary

Statutory guidance is neither legislation nor optional advice

A school should not assume that: “It says ‘should’, so we can ignore it.”

Nor should it assume that: “It is in KCSIE, so there can never be a lawful reason to do something different.”

Where a school is considering a different approach, it should identify:

- *the precise wording of the relevant provision;*
- *whether an underlying statutory or regulatory duty applies;*
- *the purpose of the guidance;*
- *the circumstances relied upon for taking a different approach;*
- *any other legal duties or rights engaged; and*
- *the reasons for the decision.*

Those reasons should be capable of being explained and, where appropriate, recorded.

The practical point: *departure from statutory guidance should be a **reasoned decision**, not an assumption of discretion.*

Why recording the reasoning matters

This is particularly important for safeguarding decisions because they may later be scrutinised by governors, inspectors, safeguarding partners, complaints bodies or courts.

The issue is therefore not simply whether a school can identify a paragraph of KCSIE supporting its position. Decision-makers should be able to demonstrate that they understood the status and purpose of the relevant

guidance, considered the circumstances properly and took account of other legal duties that materially affected the decision.

For governors and trustees, this means asking not merely whether the school's policy refers to KCSIE, but whether significant departures from statutory guidance can be identified and justified.

For parents, it means that **"it is guidance"** is not, by itself, a complete explanation for disregarding a statutory safeguarding provision.

3.8 Practical implications

The legal framework described in this chapter matters because safeguarding decisions are made in practice, not in the abstract. Schools need to know not only **what a document says**, but also what legal status it has, which underlying duties apply and how different requirements operate together.

A useful starting point is to distinguish between the principal types of legal and policy material that schools encounter.

Table 3.1: Understanding different sources of legal and safeguarding requirements

Source	Examples	What it means in practice
Primary legislation	Education Act 2002; Children Act 1989; Equality Act 2010	Acts of Parliament create legally binding duties, powers and rights. The precise effect depends upon the provision concerned.
Secondary legislation	Regulations made under powers contained in Acts of Parliament	Legally binding legislation. Regulations may impose detailed requirements upon particular institutions or activities.

Statutory guidance	KCSIE 2026; <i>Working Together to Safeguard Children 2026</i>	Issued under statutory authority. The precise legal effect depends upon the governing legislation and wording. Where legislation requires a body to “have regard” to guidance, it cannot simply be treated as optional advice.
Non-statutory government guidance and advice	Departmental advice and explanatory guidance	Does not have the same legal status as legislation or statutory guidance, but may assist schools in understanding good practice or the Government's interpretation of requirements.
School policies and procedures	Child protection policy; behaviour policy; staff code of conduct	Translate legal and statutory requirements into local practice. They must operate consistently with applicable law and cannot override higher legal obligations.

Table 3.1 is a simplified practical guide. The legal effect of any particular document or provision depends upon its statutory basis, wording and context.

Why implementation matters

Understanding the framework is not merely an exercise in legal classification. Serious safeguarding reviews repeatedly demonstrate that difficulties can arise when agencies do not understand one another's roles, information is not brought together, concerns are not followed through or the significance of information is not recognised.

The Child Safeguarding Practice Review Panel's 2023–24 annual report identified lack of clarity about agencies' respective roles and responsibilities, confusion concerning referral criteria and thresholds, and missed opportunities for information sharing as recurring features in serious safeguarding reviews. It specifically found opportunities for better

information sharing with education across the three practice themes examined.⁵²

That evidence does not mean that every safeguarding failure results from misunderstanding statutory guidance. It does demonstrate why effective safeguarding requires more than possessing an up-to-date policy: relevant information has to be recognised, recorded, shared and acted upon by people who understand their responsibilities.

Protect and Teach Commentary

Knowing the guidance is not the same as implementing it

A school may have an up-to-date safeguarding policy and still need to ask whether its arrangements work in practice.

Schools, DSLs and governing bodies should be able to demonstrate that:

- *policies reflect current law and statutory guidance;*
- *staff understand their safeguarding responsibilities;*
- *concerns are recorded and followed through;*
- *information is shared lawfully when safeguarding requires it;*
- *significant decisions and their reasoning are recorded;*
- *relevant external agencies are involved when necessary; and*
- *governors and trustees receive sufficient information to provide meaningful safeguarding oversight.*

The practical point: compliance should be visible in **practice, records and decision-making**, not merely in the existence of a policy document.

For schools and DSLs

When making a significant safeguarding decision, schools should be able to identify the applicable legal and statutory framework and explain how it informed the action taken. Where professional judgement is required, the

⁵² Child Safeguarding Practice Review Panel, *Annual Report 2023 to 2024* (12 December 2024), section on multi-agency working and information sharing. The Panel identified recurring issues including lack of clarity about agencies' respective roles and responsibilities, confusion about referral criteria and service thresholds, and missed opportunities for effective information sharing; it identified opportunities for better information sharing with education across the three practice themes examined.

reasoning should be recorded sufficiently clearly for another appropriate person to understand what was decided and why.

KCSIE's 2026 Part One overview reinforces this practical approach by requiring safeguarding records to include the concern, actions taken, decisions made, the rationale for those decisions and any outcomes.⁵³

For governors and trustees

Safeguarding assurance should therefore extend beyond asking whether the school has the required policies. Governing bodies and proprietors should consider whether policies are current, staff understand them, training reflects the applicable framework and safeguarding arrangements are operating effectively in practice.

For parents

Parents do not need to become safeguarding lawyers to ask reasonable questions about decisions affecting their child.

Where a school relies upon a legal or safeguarding requirement, useful questions may include:

- **What requirement applies?**
- **Is it law, statutory guidance, other guidance or school policy?**
- **What does it require in these circumstances?**
- **What other safeguarding or legal duties were considered?**
- **How was the decision reached and recorded?**

These questions do not assume that the school's decision is wrong. They help identify the basis upon which it was made.

Chapter summary

KCSIE 2026 sits within a wider framework of legislation, statutory guidance and local safeguarding arrangements. That framework includes education law, children and safeguarding legislation, equality and human-rights law, data-protection requirements and other statutory guidance.

⁵³ Department for Education, *Keeping Children Safe in Education 2026: Part One — Overview for All Staff* (updated 1 September 2026), 'Recordkeeping'.

The legal status of these sources differs. Legislation, statutory guidance, non-statutory advice and school policies should not be treated as interchangeable.

For schools, governors and parents, the central practical principle is therefore straightforward:

Identify the requirement, understand its legal status, consider the wider framework and record how it has been applied.

That provides the foundation for the next chapter, which examines the substantive changes introduced by KCSIE 2026.

4. The Key Changes in KCSIE 2026

KCSIE 2026 contains changes across several areas of safeguarding practice. Some introduce new material; others strengthen, clarify or reorganise existing expectations.

Annex C of the guidance provides the Department for Education's own summary of the changes from KCSIE 2025.⁵⁴

This chapter examines the changes that are likely to have the greatest practical significance for **children, parents, school staff, designated safeguarding leads, governors and trustees**.

It does not treat every textual amendment as a new legal duty.

As Chapter 3 explained, the effect of any provision depends upon its wording, statutory basis and the wider legal framework within which it operates.

For each major change, Protect and Teach therefore asks four questions:

- **What has changed?**
- **What does KCSIE actually say?**
- **What does this mean in practice?**
- **What should schools, governors and parents look for?**

⁵⁴ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, 'KCSIE 2026: Summary of Changes', pp 191–197.

Figure 4.1: How Protect and Teach analyses the KCSIE 2026 changes



Protect and Teach's framework for distinguishing the wording of KCSIE 2026 from its practical implications and from Protect and Teach's own analysis.

4.1 Part One: one safeguarding framework for all staff

One of the most immediately visible changes in KCSIE 2026 concerns **Part One**.

Previous editions included a shorter version of Part One in an annex for staff who did not work directly with children. In KCSIE 2026 that shorter version has been removed. The Department for Education explains that this means all staff now follow the same safeguarding expectations and that

governing bodies and proprietors should ensure that staff who do not work directly with children also read Part One.⁵⁵

As explained in section 2.5 of this briefing, the wording needs to be handled carefully. KCSIE states that governing bodies and proprietors **“should ensure”** that staff who work directly with children read at least Part One and **“should now also ensure”** that staff who do not work directly with children read Part One.⁵⁶

The DfE has separately published a **Part One overview for all staff**. That document is intended as a complementary quick-reference resource. It does **not** replace Part One.⁵⁷

What this means in practice

The change removes the previous distinction whereby some staff could be directed to a condensed safeguarding text instead of Part One.

For schools, this means induction and safeguarding training arrangements should reflect the 2026 structure.

Staff such as administrative, premises, catering or other personnel who may previously have been directed to the shorter version should not simply continue using an obsolete Annex A arrangement.

For governors and trustees, assurance should extend beyond checking that staff have received *some* safeguarding information. They should understand what the school's arrangements are for ensuring that staff read and understand the material expected of them.

For parents, the change provides a clearer baseline: safeguarding awareness is not confined to teachers or staff whose principal role involves direct work with pupils.

⁵⁵ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, 'KCSIE 2026: Summary of Changes'; Department for Education, *Keeping Children Safe in Education* (GOV.UK, updated 1 September 2026).

⁵⁶ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), 'School and college staff', p 7.

⁵⁷ Department for Education, *Keeping Children Safe in Education 2026: Part One – Overview for All Staff* (updated 1 September 2026); Department for Education, *Keeping Children Safe in Education* (GOV.UK, updated 1 September 2026). The Department states that the overview is complementary and does not replace any part of the guidance.

Protect and Teach Explainer

The Part One overview does not replace Part One

KCSIE Part One

The substantive safeguarding information that governing bodies and proprietors should ensure relevant staff read.

Part One overview for all staff

A complementary quick-reference summary designed to support understanding.

It is not a substitute for Part One.

The practical point: a school should not use the overview as a way of recreating the shorter-reading arrangement that KCSIE 2026 has removed.

4.2 Children who are questioning their gender

One of the most substantial changes in KCSIE 2026 is the introduction of expanded statutory safeguarding guidance concerning **children who are questioning their gender**.

The change follows the Government's earlier consultation on the draft *Gender Questioning Children: Guidance for Schools and Colleges*. Rather than publish that document as separate non-statutory guidance, the Department for Education decided to incorporate relevant material into KCSIE so that questions concerning children who are questioning their gender would be considered within the established statutory safeguarding framework.⁵⁸

The Department described this as a **“highly contested policy area, with no clear consensus on the appropriate approach”**. Respondents to the earlier consultation raised concerns about the draft guidance's

⁵⁸ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), provisions concerning children who are questioning their gender and Annex C; Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026), 'What we're consulting on'.

relationship with existing legislation, the evidence base and safeguarding. The Department also took account of the final Cass Review, which was published after that consultation had closed.⁵⁹

This change is significant. Questions about social transition are no longer addressed principally through proposed standalone advice. They now sit expressly within **Keeping Children Safe in Education**.

Sex, gender questioning and safeguarding

KCSIE's starting point does not require a school to regard a child's sex as having changed because the child questions their gender or requests some form of social transition.

A child's **biological sex remains unchanged by social transition**. This distinction is particularly important where sex is materially relevant to safeguarding, record keeping, privacy, dignity, single-sex facilities, residential accommodation or participation in sport.

The 2026 framework expressly uses **biological sex** when explaining a number of these requirements.

KCSIE 2026 states that schools must provide separate toilets for boys and girls **aged eight and over**, subject to its exception for self-contained individual toilets. It also states that a pupil **aged 11 or over at the start of the school year** must not undress in front of a pupil of the opposite biological sex, and that children must not share overnight accommodation with children of the opposite biological sex.⁶⁰

⁵⁹ Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026), 'What we learned from the consultation' and 'How we've responded'. The consultation received 15,315 responses.

⁶⁰ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 108–109, 115 and 200–201

Protect and Teach Explainer

Social transition does not change a child's sex

BIOLOGICAL SEX

Remains relevant wherever the applicable law, safeguarding requirement or practical decision is sex-based.

SOCIAL TRANSITION

May involve changes to matters such as a name, pronouns, clothing or social presentation.

These changes do **not change the child's biological sex**.

WHY THE DISTINCTION MATTERS

Schools may need accurate information about sex for safeguarding, records, privacy, facilities, accommodation, medical needs or sport.

The practical point: supporting and safeguarding an individual child does not require a school to treat the child's sex as having changed.

Schools should not initiate social transition

KCSIE draws an important boundary around the school's role.

It is **not for schools and colleges to initiate action relating to social transition**. The guidance addresses circumstances in which a child or parent has already made a request to which the school or college must respond. Staff should not independently introduce changes relating to social transition before a decision has been made by the school or college in consultation with parents or carers.⁶¹

⁶¹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), provisions concerning social transition. The consultation draft stated that schools and colleges should not initiate action regarding social transition and that staff should not adopt changes unless a decision had been made by the school or college in consultation with parents or carers; the final wording should be cited by its final paragraph number in the finished reference check.

The framework also recognises that children may display interests, clothing or behaviour not conventionally associated with their sex without this establishing that they have a different 'gender identity'.

Schools are encouraged to avoid rigid gender stereotypes and to remain professionally curious about the child's wider experiences and needs.⁶²

That distinction is important. A boy preferring activities or clothing stereotypically associated with girls, or a girl preferring those stereotypically associated with boys, does not itself require a school to interpret the child's behaviour through a gender-identity framework.

Social transition is not a neutral administrative change

Where a request for social transition is made, KCSIE does not require a school simply to accept it.

The Department's approach is informed by the Cass Review and expressly recognises the need for caution, particularly concerning social transition of pre-pubertal children. The Department states that strong evidence concerning the impact of social transition remains limited and that children questioning their gender may also have wider or complex needs requiring consideration.⁶³

Schools should therefore seek to understand the child's individual circumstances, including any wider safeguarding, mental-health or psychosocial needs, family and peer relationships, bullying and relevant clinical advice where available.⁶⁴

This is a safeguarding assessment. It should not begin from an assumption that agreeing to social transition is necessarily in the child's best interests.

⁶² Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), provisions concerning children questioning their gender; Department for Education, *Keeping Children Safe in Education 2026: Draft for Consultation* (2026), paras 247–249.

⁶³ Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026), 'How we've responded'; Department for Education, *Government to Publish New Gender Guidance for Schools* (12 February 2026).

⁶⁴ Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026), 'How we've responded'.

Protect and Teach Commentary

Social transition has no place in schools

KCSIE 2026 establishes the statutory framework within which schools and colleges must respond when a child or parent makes a request concerning social transition. It does **not impose a general prohibition on every element of social transition.**

Protect and Teach's position goes further than KCSIE where the guidance leaves schools discretion.

Protect and Teach considers that **schools should not initiate, promote or facilitate the social transition of children.**

A school is an educational and safeguarding institution. It is not the role of a school to facilitate a process intended to make a child appear to others as, or be treated as though they are, the opposite sex. A change of name, pronouns, clothing or social presentation does not change the child's biological sex.

Where a child expresses distress about their sex or says that they identify as the opposite sex, the school's role should remain firmly within its educational and safeguarding responsibilities: **listen to the child, protect them from bullying, consider their individual circumstances and wider needs, involve parents unless there is a genuine safeguarding reason not to do so, and make appropriate referrals where additional support is required.**

A child does not need to conform to sex stereotypes. Girls may be masculine; boys may be feminine. Protect and Teach considers that schools should support children to understand that their personality, interests, appearance or preferences do not require them to adopt a different identity or socially transition.

Schools should treat every child with dignity and compassion. **That does not require staff or other pupils to treat the child's sex as having changed.**

Where sex is relevant to safeguarding, privacy, dignity, facilities, accommodation, sport, record keeping or another legal requirement, the child's biological sex remains the relevant factual characteristic.

Protect and Teach's position: safeguarding a child who is questioning their gender and socially transitioning that child are not the same thing. Schools should do the former. They should not do the latter.

This is Protect and Teach's policy position. It goes beyond KCSIE where KCSIE leaves schools discretion and should not be presented as though KCSIE itself prohibits every form of social transition.

Parents are ordinarily central

Parental involvement is a prominent feature of the 2026 framework.

The Department identifies **“the involvement of parents in decision-making wherever possible”** as one of the principles informing the new guidance. It has also stated that schools should seek parents' views unless there is a genuine safeguarding reason not to do so.⁶⁵

Schools should therefore not routinely create a separate identity or social-transition arrangement at school while withholding that development from parents.

There remains an important safeguarding qualification. Circumstances may arise in which involving a parent would create a genuine risk of harm to the child. Such circumstances require an individual safeguarding assessment.

Protect and Teach Commentary

A safeguarding exception should be a safeguarding exception

A child's wish that their parents are not told is not, by itself, the same thing as evidence that informing them would create a safeguarding risk.

⁶⁵ Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026), 'How we've responded'; Department for Education, *Government to Publish New Gender Guidance for Schools* (12 February 2026).

Where a school considers excluding parents from information or decision-making, the reason should be based upon the child's actual circumstances and an identifiable safeguarding concern.

Protect and Teach considers that exceptions intended to protect children from genuine harm should not become a routine mechanism for excluding parents from significant decisions concerning their child.

Single-sex facilities: sex determines access

KCSIE 2026 provides considerably firmer boundaries where statutory requirements concerning single-sex provision apply.

The Department states that schools must not permit:

- children **aged eight and over** to use toilets designated for the opposite biological sex;
- children **aged 11 or over at the start of the school year** to use changing rooms designated for the opposite biological sex; or
- children to share boarding or overnight accommodation with children of the opposite sex.⁶⁶

Where a child does not wish to use facilities designated for their biological sex, a school should consider suitable alternative arrangements. Those arrangements must not compromise the required provision of single-sex facilities.⁶⁷

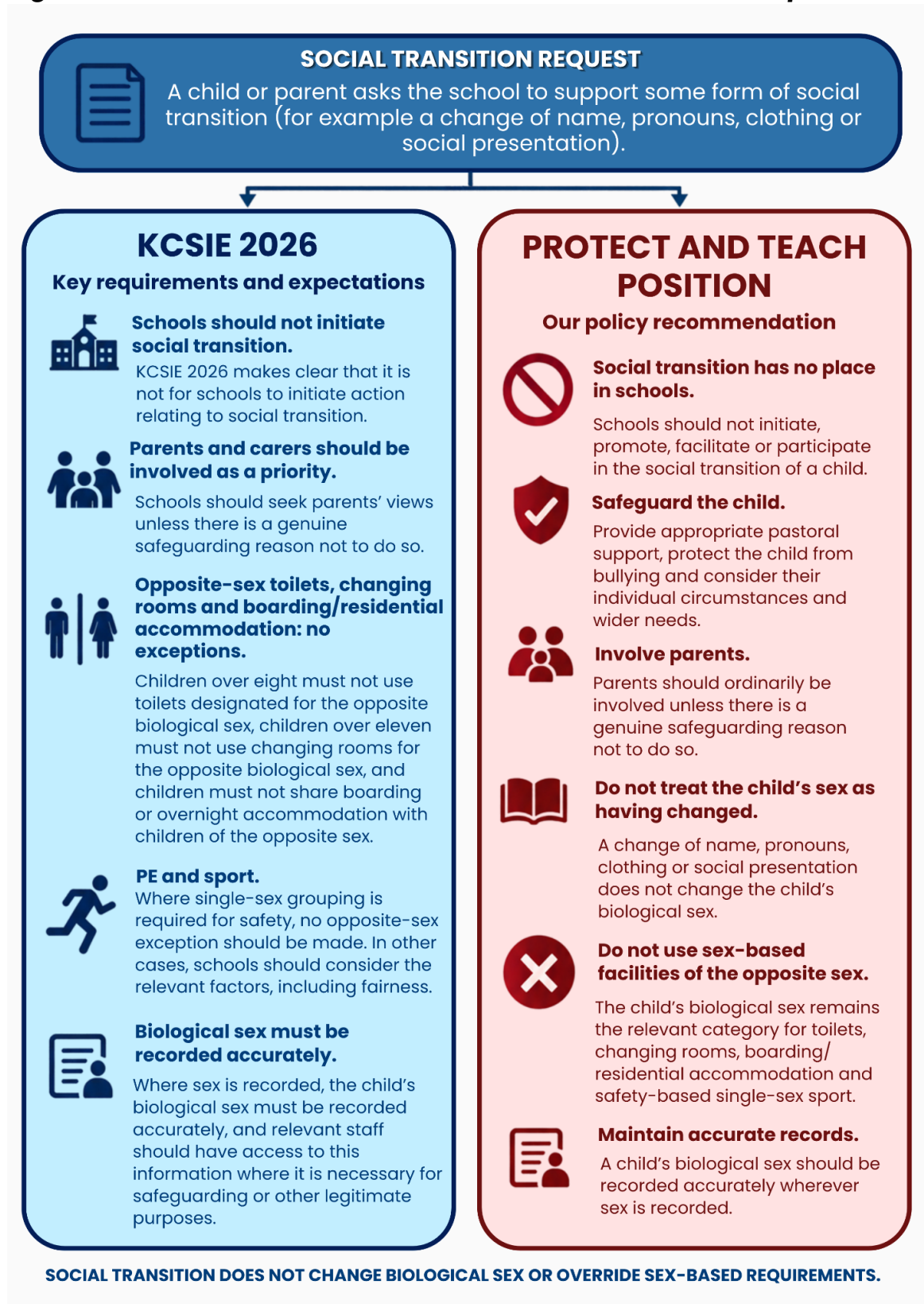
This is an important distinction between **accommodating an individual child** and **removing the sex-based rights or protections of other children**.

A school may, for example, consider whether an appropriate alternative facility can be made available. That does not mean permitting a male pupil to use a toilet or changing room designated solely for female pupils, or vice versa, where the statutory requirements apply.

⁶⁶ Department for Education, Keeping Children Safe in Education 2026, paras 108–109, 115 and 200–201. [KCSIE 2026](#).

⁶⁷ Department for Education, Keeping Children Safe in Education 2026, paras 111–118 and 202–203, concerning suitable alternatives, the safety and dignity of all children, and recording and reviewing arrangements. [KCSIE 2026](#).

Figure 4.2: Social transition does not override sex-based requirements



Illustrative summary of the distinction between requests over which schools may exercise judgement and areas in which underlying sex-based requirements constrain that discretion.

PE and sport

KCSIE also addresses participation in PE and sport.

Where a sport needs to be played in single-sex groups from a particular age in order to ensure children's safety, the Department states that **no exceptions should be made**. Where that safety requirement does not apply, schools and colleges should undertake a balanced consideration that includes fairness.⁶⁸

Schools should therefore avoid treating inclusion in opposite-sex sport as an automatic consequence of a child's asserted gender identity. The relevant considerations include the nature of the activity, age, safety, fairness and the interests of all participating children.

Accurate recording of biological sex

Accurate records are also a safeguarding issue.

The Government has expressly stated that teachers and schools need to know a child's birth sex where necessary to take appropriate safeguarding action and that biological sex must be recorded accurately in school and college records.⁶⁹

A school may use other information for particular day-to-day purposes where lawful and appropriate, but this should not result in the underlying record of the child's sex becoming inaccurate.

The distinction becomes particularly important where accurate sex information is relevant to safeguarding, medical care, intimate care, facilities, residential arrangements or sport.

Bullying and dignity

None of these provisions provides justification for bullying or humiliating a child.

⁶⁸ Department for Education, *Keeping Children Safe in Education 2026*, paras 97–100, concerning single-sex sport, safety and fairness.

⁶⁹ Department for Education, *Government to Publish New Gender Guidance for Schools* (12 February 2026), statement concerning recording birth sex accurately in school and college records.

The DfE is explicit that schools should be respectful environments and that **all forms of bullying are unacceptable**. Children questioning their gender may be vulnerable to bullying or may have other needs requiring safeguarding attention.⁷⁰

Protecting a child from bullying does not, however, require a school to state that the child's biological sex has changed or to disregard sex-based requirements applying to other children.

Those propositions should not be conflated.

What schools should do

Schools should review policies and practice against the **final KCSIE 2026 framework**, rather than continuing to rely upon the withdrawn proposal for standalone guidance or locally produced policies that conflict with the final statutory guidance.

Staff should understand that:

- schools **should not initiate** social transition;
- gender non-conforming interests or behaviour should not automatically be interpreted as evidence of a different gender identity;
- requests concerning social transition require careful safeguarding consideration;
- **parents should ordinarily be involved;**
- genuine safeguarding exceptions concerning parental involvement require an individual assessment;
- biological sex remains relevant wherever requirements are sex-based;
- **statutory single-sex provision must not be compromised;**
- safety and fairness are relevant to decisions concerning sport;
- **biological sex must be recorded accurately;**
- and every child should be protected from bullying.

⁷⁰ Department for Education, *Keeping Children Safe in Education 2026: Draft for Consultation* (2026), para 250; Department for Education, *Including Guidance on Children Who Are Questioning Their Gender in 'Keeping Children Safe in Education (KCSIE)'* (12 February 2026).

What governors and trustees should check

Governors and trustees should establish whether policies concerning gender-questioning children, equality, safeguarding, toilets and changing facilities, residential trips, PE and sport, uniform and pupil records have been reviewed against **KCSIE 2026 and the relevant underlying law**.

Particular attention should be given to policies inherited from the period before the final guidance was issued. A policy should not assume either that a request for social transition must automatically be accepted or that an asserted gender identity changes a pupil's sex for purposes where sex is legally or practically material.

Governors should also distinguish between:

- **what the law requires;**
- **what KCSIE says schools should do;** and
- **what additional approach the school itself has chosen to adopt.**

What parents should know

Parents should expect schools to approach gender questioning as a **safeguarding and welfare matter**, not merely as an administrative request to change how a child is treated.

Parents can reasonably ask:

- **What exactly has my child requested?**
- **Has the school initiated or encouraged any aspect of this?**
- **Which part of KCSIE is being relied upon?**
- **What safeguarding assessment has been undertaken?**
- **What wider needs have been considered?**
- **What information has been recorded about my child's biological sex?**
- **Are any other children's privacy, dignity or safety affected?**
- **Is the proposed action required by law, recommended by KCSIE, or a discretionary school decision?**

That final distinction is particularly important.

Protect and Teach position

Protect and Teach considers that social transition has no place in schools. Schools should not initiate, promote, facilitate or participate in the social transition of a child.

Schools are educational and safeguarding institutions. Their responsibility is to safeguard children, provide education and pastoral support, and respond appropriately when a child is distressed or experiencing difficulties. **Social transition is not a necessary component of any of those responsibilities.**

Where a child expresses distress about their sex, questions whether they are a boy or a girl, or identifies as the opposite sex, the school should listen to the child, protect them from bullying, consider their individual circumstances and wider needs, and involve their parents unless there is a genuine safeguarding reason not to do so. Where needs fall outside the school's expertise, appropriate support or referral should be considered.

Children should also be free from restrictive sex stereotypes. A girl does not cease to be a girl because she prefers stereotypically masculine clothing, interests or behaviour; a boy does not cease to be a boy because his preferences are stereotypically feminine. **Children do not need to change identity in order to be themselves.**

Protect and Teach considers that safeguarding a child does **not** require a school to treat the child's sex as having changed. A change of name, pronouns, clothing or presentation does not change biological sex.

Accordingly, where sex is relevant to safeguarding, privacy, dignity, intimate care, facilities, accommodation, sport, record keeping or another legal requirement, **schools should recognise and apply the child's sex accurately.** The needs of one child should be addressed without obscuring sex or compromising the safeguarding, privacy or dignity of other children.

Protect and Teach also considers that schools should not require **staff or pupils to affirm a belief about sex or gender identity that they do not share.** Children questioning their gender must be treated with dignity and protected from bullying; disagreement with a belief or proposition should not, without more, be treated as bullying or a safeguarding concern.

Protect and Teach's position is therefore straightforward:

safeguard the child, support the child, involve the parents and address the child's individual needs; but do not socially transition the child at school.

KCSIE 2026 does not itself prohibit every form of social transition or accommodation. **This is Protect and Teach's policy position where the statutory guidance leaves schools discretion**, and should be distinguished from requirements imposed directly by KCSIE or the underlying law.

4.3 Safeguarding, contested issues and political impartiality

KCSIE 2026 strengthens and expands schools' safeguarding responsibilities in several areas. Those responsibilities do not operate in isolation. Where safeguarding activity involves political issues, schools must continue to comply with the existing legal requirements concerning political impartiality.

These duties are longstanding. They were not created by KCSIE 2026.

For maintained schools, sections 406 and 407 of the Education Act 1996 require schools to:

"forbid ... the promotion of partisan political views in the teaching of any subject in the school" (s 406);⁷¹

and to:

"take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils ... they are offered a balanced presentation of opposing views" (s 407).⁷²

⁷¹ Education Act 1996, s 406(1)(b).

⁷² Education Act 1996, s 407(1).

Equivalent political-impartiality requirements apply to academies and independent schools through the applicable funding and regulatory framework. The Department for Education's guidance therefore uses the term **"schools"** to encompass all schools subject to these requirements.⁷³

The Department for Education's *Political Impartiality in Schools* guidance explains the effect of these duties in practical terms:

"These legal duties mean schools: must prohibit the promotion of partisan political views [and] should take steps to ensure the balanced presentation of opposing views on political issues when they are brought to the attention of pupils."⁷⁴

The guidance explains that partisan political views are views expressed with a political purpose and that these are not limited to the policies or positions of political parties. They may also be held by campaign groups, lobbyists and charitable organisations.⁷⁵

Crucially, prohibited promotion does not require explicit party-political campaigning. DfE explains that promotion may occur through overt encouragement to support a political party or position, but also through more subtle means, including presenting partisan political views as undisputed factual accounts without explaining their contested nature.⁷⁶

A political issue is not limited to party politics. DfE explains that ongoing ethical debates and other subjects can constitute political issues even where the principal political parties broadly agree, if wider public

⁷³ Department for Education, *Political Impartiality in Schools* (17 February 2022, updated 21 March 2025), 'The law'. The guidance explains that statutory requirements concerning political impartiality cover all schools regardless of type or funding arrangement; ss 406–407 apply to maintained schools, most academies have corresponding funding-agreement provisions, and the Education (Independent School Standards) Regulations 2014 apply relevant requirements to independent schools and academies

⁷⁴ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'The law'.

⁷⁵ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Understanding terminology'.

⁷⁶ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Understanding terminology'.

consensus does not exist and different legitimate views continue to be expressed.⁷⁷

Nor does balance require artificial equivalence. Schools do not have to give every opposing view equal time, nor must they teach misinformation or unsubstantiated theories in order to demonstrate balance. Teachers may critically examine claims and the evidence supporting them.

Where political issues are presented, however, DfE says teachers and staff should take a: **“fair and dispassionate”** approach.⁷⁸

Teachers’ professional responsibilities

This legal framework sits alongside the **Teachers’ Standards**, which require teachers to uphold public trust and maintain high standards of ethics and behaviour.

Part Two requires teachers to show tolerance and respect for the rights of others, not undermine fundamental British values and ensure that:

“personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.”⁷⁹

The Standards also require teachers to maintain high standards in their own attendance and punctuality and to understand and act within the statutory frameworks governing their professional duties and responsibilities.⁸⁰

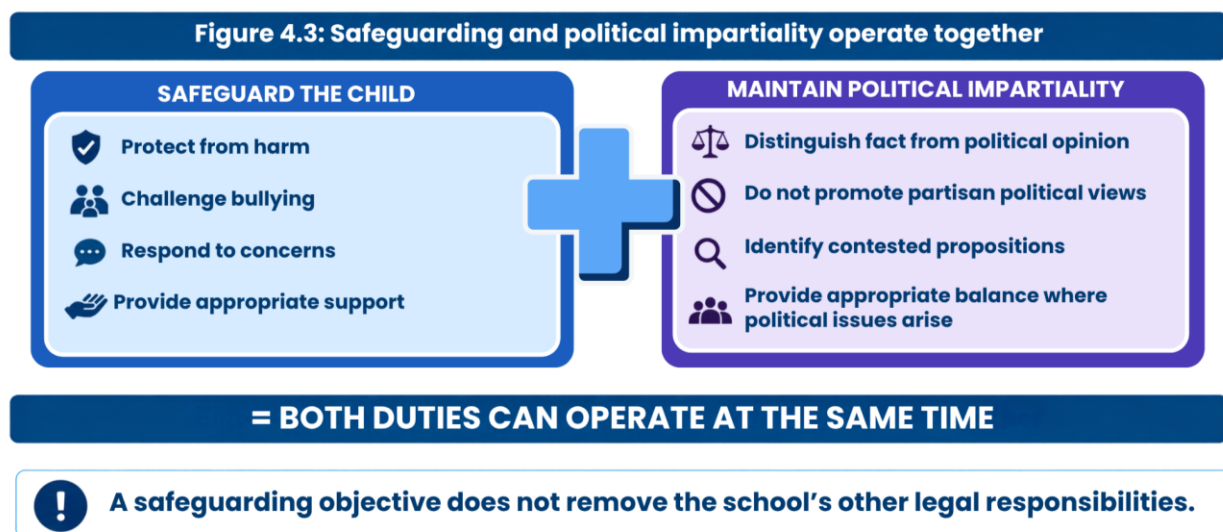
⁷⁷ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), ‘Understanding terminology’.

⁷⁸ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), ‘Understanding terminology’ and ‘Balance in teaching’. DfE explains that balance does not require equal time for all views and describes the appropriate approach as ‘fair and dispassionate’.

⁷⁹ Department for Education, *Teachers’ Standards: Guidance for School Leaders, School Staff and Governing Bodies*, Part Two, ‘Personal and professional conduct’.

⁸⁰ Department for Education, *Teachers’ Standards: Guidance for School Leaders, School Staff and Governing Bodies* (December 2021), Part Two, ‘Personal and professional conduct’. The Standards require teachers to have an understanding of, and always act within, the statutory frameworks setting out their professional duties and responsibilities.

Figure 4.3: Safeguarding and political impartiality operate together



Protect and Teach illustration. Safeguarding responsibilities and political-impartiality requirements can operate simultaneously; describing an activity as safeguarding does not displace a school's other legal responsibilities.

Safeguarding does not suspend political impartiality

Schools have duties to safeguard children, prevent bullying, challenge discrimination and respond appropriately to harmful behaviour.

Political-impartiality requirements do not prevent them doing so. Equally, describing an activity as **safeguarding, equality, inclusion, anti-bullying, wellbeing or awareness raising** does not itself determine whether the activity also contains political propositions.

DfE expressly states that legal duties on political impartiality do not supersede schools' other statutory requirements. Schools are expected to take a reasonable and proportionate approach to political impartiality alongside their other responsibilities, including those arising under equality, human-rights and 'Prevent' legislation.⁸¹

DfE also distinguishes between shared principles; including fundamental rights, tolerance and challenging discrimination and prejudice, and political questions concerning how the government or society should

⁸¹ Department for Education, Political Impartiality in Schools (updated 21 March 2025), 'The law'. The guidance explains that political-impartiality requirements do not supersede schools' other statutory responsibilities, including requirements arising under the Equality Act 2010, Human Rights Act 1998 and Prevent duty.

respond to particular issues. Schools can therefore challenge discriminatory or harmful behaviour without necessarily endorsing a particular political analysis or proposed policy response.⁸¹

That distinction has wider application.

A school may protect a pupil from bullying without requiring pupils to adopt a particular political belief.

It may teach pupils that harassment and violence are unacceptable without requiring them to accept a particular political explanation for why those behaviours occur.

It may support a pupil experiencing distress without presenting one contested interpretation of that distress as established fact.

It may teach the scientific evidence concerning climate change while distinguishing that evidence from political arguments about taxation, energy policy, protest or the appropriate governmental response.

Indeed, DfE uses climate change itself to illustrate this distinction: teaching the scientific evidence is not in itself a political issue, whereas competing proposed solutions may be.⁸²

It may teach about war and international conflict while distinguishing factual information from competing political arguments concerning responsibility, foreign policy or proposed solutions.

Protect and Teach Commentary

SAFEGUARDING IS NOT A POLITICAL-IMPARTIALITY EXEMPTION

Protect and Teach considers that schools should be particularly alert when contested propositions are incorporated into materials described as safeguarding, equality, inclusion, wellbeing or anti-bullying resources.

A legitimate safeguarding objective does not automatically make every proposition used in pursuing that objective factual or politically neutral.

⁸² Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Choosing resources' and guidance concerning shared principles, discrimination and prejudice.

The relevant questions remain:

- ***What is the safeguarding objective?***
- ***Which propositions are factual and evidential?***
- ***Which propositions involve political or otherwise contested questions?***
- ***Are pupils being informed about those views, or encouraged to adopt them?***
- ***Where a political issue is presented, are the school's impartiality obligations being met?***

*Safeguarding and political impartiality should therefore be treated as **complementary responsibilities, not competing alternatives.***

What is a political issue?

Not every disagreement is a political issue. A scientific fact does not become a political issue merely because somebody disputes it. Nor must schools present misinformation or an unsupported theory as an equally valid alternative in order to demonstrate balance.

Equally, an issue does not cease to be political simply because it is presented under the heading of safeguarding or equality.

DfE advises that political issues can include questions concerning government policy, changes to the law and wider economic or social issues.

It also recognises that an issue may remain political even where major political parties agree, if legitimate opposing views continue to form part of wider public debate.⁸³

Where a school is uncertain whether something constitutes a political issue, DfE advises against promoting a particular view and recommends instead providing a balanced factual account.⁸⁴

⁸³ Department for Education, Political Impartiality in Schools (updated 21 March 2025), 'Teaching about political issues', Scenario A. The guidance distinguishes teaching scientific evidence concerning climate change from political debate concerning particular responses to climate change.

⁸⁴ Department for Education, Political Impartiality in Schools (updated 21 March 2025), 'Understanding terminology'.

Protect and Teach Explainer

DISAGREEMENT DOES NOT AUTOMATICALLY MAKE SOMETHING POLITICAL

Ask: **Is this a factual proposition supported by established evidence?**

Or: **Is this a political issue involving competing legitimate views about policy, law or social questions?**

Then ask: **Is the school teaching pupils ABOUT the issue?**

Or: **Is it encouraging pupils to ADOPT one side of the issue?**

The practical point: political impartiality does not require schools to pretend that every factual question has two equally valid answers. It requires schools not to promote partisan political views and, where political issues are brought to pupils' attention, to secure appropriate balance.

The relevance to children questioning their gender

The distinction is particularly relevant to the changes considered in section 4.2.

A school can and should protect a child who is questioning their gender from bullying, harassment or abuse. That safeguarding responsibility does not itself determine what pupils must believe about **sex, gender identity or social transition**.

As KCSIE 2026 itself demonstrates, biological sex remains relevant to safeguarding and to particular requirements concerning records, facilities, accommodation and sport.

Protect and Teach therefore considers that schools should distinguish between: **protecting a child from bullying or mistreatment;**

and **requiring other children or staff to affirm propositions about sex or gender identity.**

The first is an ordinary and important safeguarding responsibility.

The second raises separate questions concerning the factual proposition involved, the applicable equality and human-rights framework and, depending upon the particular content and context, political impartiality.

It should not automatically be treated as a safeguarding requirement merely because disagreement may cause offence or distress.

Protect and Teach Commentary

EVERY CHILD IS ENTITLED TO DIGNITY AND PROTECTION FROM BULLYING

Protect and Teach considers that this does not create an entitlement to require other pupils to adopt a particular belief about sex or gender identity.

*This analysis should not be understood as saying that **every proposition concerning sex or gender identity is necessarily a political issue**. The particular proposition, its context and the applicable legal framework must be identified.*

That precision is important.

Teaching about contested issues

Political impartiality does not mean avoiding difficult subjects.

Schools may teach political, controversial and sensitive subjects. Indeed, DfE describes teaching about political issues and the different views held about them as an important part of a broad and balanced curriculum.⁸⁵

The objective should be to enable pupils to **understand and evaluate**, rather than to direct them towards the conclusion preferred by the school.

Teachers may examine the factual basis and validity of claims made by different sides and correct factual inaccuracies. DfE gives the example of examining the evidence advanced by supporters and opponents of

⁸⁵ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Sensitive political issues'. Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Introduction' and 'Teaching about political issues'.

political policies. The purpose is to help pupils form their **own reasoned views**, rather than drawing them towards a single conclusion.⁸⁶

Age and developmental stage matter too.

DfE recognises that younger children may sometimes be unable to distinguish adequately between contested views and facts. In those circumstances, schools should consider whether the material is age appropriate and whether more straightforward factual teaching is preferable. More complex contested arguments may appropriately be reserved for pupils capable of understanding and evaluating them.⁸⁷

External organisations and teaching resources

Schools remain responsible for material presented to pupils through their teaching, resources and school-arranged activities.

Political-impartiality considerations do not disappear because material has been produced by an external organisation.

This is particularly important because partisan political views are not confined to political parties. DfE expressly recognises that they may also be held by **campaign groups, lobbyists and charitable organisations**.⁸⁸

This matters because charities, campaign organisations and other external providers may apparently produce educational resources while also campaigning for particular political or social-policy outcomes.

The fact that an organisation is a **charity**, describes material as **educational**, or offers a resource under an awareness campaign does not establish that its content is politically impartial.

Schools should therefore scrutinise teaching resources rather than relying solely upon the reputation, charitable status or stated purpose of the organisation that produced them.

⁸⁶ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Introduction' and 'Teaching about political issues'.

⁸⁷ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Balance in teaching', including the illustrative scenarios concerning examination of competing political claims.

⁸⁸ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Age-appropriate teaching'.

DfE warns specifically about apparently factual resources that contain partisan political views without sufficient context to make their contested nature clear. It recognises that politically biased material can sometimes legitimately be used; particularly with older pupils, where it is used illustratively and pupils understand what the material represents.⁸⁹

Schools may still use organisations that hold political views. The question is how the engagement is managed. Where partisan views are relevant, pupils should understand their contested nature and receive an appropriately balanced account. With children too young to understand that distinction, DfE says the external organisation should not express those partisan views to them.

Protect and Teach Commentary

A resource should be assessed by its content, not its branding

Before adopting an external safeguarding, equality, inclusion or relationships resource, Protect and Teach recommends that schools ask:

- ***Who produced it?***
- ***Does the organisation campaign for changes in law or public policy?***
- ***What factual claims does the resource make?***
- ***What evidence supports them?***
- ***Does it contain political or contested propositions?***
- ***Are those propositions clearly identified as contested?***
- ***Is the material appropriate to the age and developmental stage of the pupils?***
- ***If political issues are presented, how will appropriate balance be secured?***

The school's responsibility cannot simply be outsourced to the provider.

Political impartiality extends beyond lessons

Political impartiality is not solely a matter for conventional classroom teaching.

⁸⁹ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Choosing resources' and 'Choosing external agencies'.

Political issues may arise through assemblies, extracurricular activities, discussions initiated by pupils, visiting organisations, pupil campaigning, public displays and school communications.

DfE advises that pupil engagement with political issues should be encouraged rather than prohibited, provided the issues are age appropriate. Staff should nevertheless avoid endorsing partisan political positions and remain mindful of the need for pupils to understand opposing views.⁹⁰

The guidance also addresses pupil political activity. Schools should ensure that such activity does not create intimidation or fear, target particular groups, or leave pupils feeling that they will be stigmatised for holding or expressing alternative views.⁹¹

School resources, including **school-branded social media**, should not be used for partisan political purposes.⁹²

The same principle applies to staff. Teachers and other staff are not subject to a blanket prohibition on expressing personal political opinions, but DfE warns that their position of authority gives those opinions particular weight. As a general principle, staff should avoid expressing personal political views to pupils unless confident that doing so will not amount to promoting that view.⁹³

This means governors and school leaders should think about political impartiality across the **whole school environment**, rather than treating it as an issue solely for teachers of politics, history or citizenship.

A poster, assembly, awareness week, visiting speaker, social-media post or externally produced safeguarding programme can raise political-impartiality questions just as classroom material can.

⁹⁰ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Choosing resources'.

⁹¹ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), guidance concerning discussion of political issues.

⁹² Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Political activity by pupils'.

⁹³ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), 'Political activity by pupils' and guidance concerning public displays and communications.

What schools should do

Schools should have arrangements that enable staff to recognise when a safeguarding, equality or curriculum issue also raises political-impartiality considerations.

Staff should understand the distinction between:

- factual information and political opinion;
- teaching **about** a political position and promoting it;
- challenging bullying or discrimination and promoting a particular political response to it;
- presenting evidence and requiring pupils to adopt a belief;
- the school's own material and material supplied by an external organisation.

Where political issues are brought before pupils, schools should take reasonable and proportionate steps to comply with the applicable impartiality requirements.

DfE makes clear that it is not necessary for leaders to supervise or review every instance of teaching about political issues. The aim should instead be to equip staff with the skills necessary to teach political issues appropriately and recognise common risks to impartiality.⁹⁴

What governors and trustees should check

Governors and trustees should not assume that political impartiality is relevant only to obviously party-political material.

They should seek assurance that:

- staff understand the school's political-impartiality obligations;
- curriculum and extracurricular resources are appropriately reviewed;
- external organisations are subject to suitable due diligence;
- contested political propositions are not presented as undisputed facts;
- age and developmental stage are considered;

⁹⁴ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), guidance concerning staff expressing personal political opinions.

- staff understand the distinction between their personal political views and their professional role;
- pupil political activity is managed appropriately;
- complaints concerning political impartiality are taken seriously; and
- safeguarding or equality terminology is not being used inadvertently to bypass the school's other legal responsibilities.

DfE expressly states that concerns from parents and carers about impartiality should be taken seriously and that proportionate steps should be taken to rectify breaches where necessary.⁹⁵

What parents should know

Parents do not need to establish that an entire subject is political before raising a concern.

The useful questions are more specific:

- **What exactly was my child taught or shown?**
- **Was this presented as fact, opinion or a contested proposition?**
- **Who produced the resource?**
- **Was an external organisation involved?**
- **Did that organisation campaign on the issue?**
- **If this was a political issue, what steps did the school take to ensure appropriate balance?**
- **Was the material appropriate to my child's age and developmental stage?**
- **What safeguarding requirement does the school say required this particular content?**

That final question can be especially revealing. A legitimate safeguarding objective may explain **why a subject needs to be addressed** without determining **what pupils should be expected to believe about every contested aspect of it.**⁹⁶

⁹⁵ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), guidance concerning the role of school leaders, proprietors, academy trusts and governing bodies.

⁹⁶ Department for Education, *Political Impartiality in Schools* (updated 21 March 2025), guidance concerning concerns about political impartiality. DfE advises schools to take concerns from parents, carers and others seriously and to take proportionate action where necessary. The accompanying DfE summary likewise states that such concerns should be treated seriously and sensitively.

Further Protect and Teach analysis

For a worked example of how these principles apply to a particular curriculum area, see Protect and Teach's analysis of climate education. It examines the distinction between teaching scientific evidence and promoting particular political responses, as well as external campaign organisations, pupil activism, parental concerns and the application of sections 406 and 407 of the Education Act 1996.

[Climate Education Must Remain Education... Not Partisan Activism](#)

Protect and Teach position

Protect and Teach considers political impartiality to be an important component of good safeguarding and education.

Children should be equipped with **knowledge, evidence and the ability to reason**, rather than encouraged to adopt the political or ideological preferences of their school, teachers or external organisations.

Schools should challenge bullying, violence, harassment and unlawful discrimination robustly. They should also recognise that these legitimate responsibilities do not confer a general authority to present contested political propositions as safeguarding facts.

Where an issue is political, schools should comply with their impartiality obligations.

Where a proposition is factual, schools should teach it accurately.

Where evidence is uncertain, schools should not present certainty that the evidence does not support.

Where legitimate competing political views exist, pupils should be helped to understand that they exist.

Protect and Teach's principle is simple: *safeguarding should protect children; education should equip them to think. Neither requires schools to tell children what political conclusions they must reach.*

4.4 Online Safety, Filtering and Monitoring

Online safety is not new to KCSIE. The 2026 guidance does, however, strengthen several aspects of the framework, particularly the assurance expected around filtering and monitoring, the use of generative artificial intelligence, mobile-phone policies and information security.⁹⁷

This briefing does not attempt to prescribe a particular whole-school approach to pupils' possession or use of mobile phones; those questions extend beyond safeguarding alone and engage wider issues of education, behaviour, parental responsibility, accessibility and school management.

KCSIE 2026 nevertheless states the Department's policy expectation: schools should be **mobile-phone-free by default**, with other arrangements by exception. It expects pupils not to have access to their phones throughout the school day, including lessons, movement between lessons, breaks and lunchtime.

Headteachers decide how to implement that approach in their own setting. The safeguarding implications should be considered alongside the school's wider decisions about accessibility, behaviour and communication with parents.

The changes reinforce an important principle: **online safeguarding is not simply an IT function.**

Governing bodies and proprietors retain strategic responsibility, the designated safeguarding lead has an important safeguarding role, senior leaders must understand the arrangements in place, and technical support must work alongside safeguarding staff.

Filtering and monitoring: the significant 2026 change

KCSIE 2026 states that governing bodies and proprietors should ensure that appropriate filtering and monitoring systems are in place and that:

⁹⁷ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, 'Summary: Part two – The management of safeguarding', pp 193–194. **paragraph 170** Annex C identifies updated online-risk categories, additional guidance on generative AI, a new section on mobile-phone policy, strengthened filtering-and-monitoring review requirements and revised information-security content. [GOV.UK](https://www.gov.uk)

“a review of their effectiveness is carried out at least once every academic year.”⁹⁸

The guidance goes further than simply requiring an annual conversation about whether a filtering system exists.

The review should be carried out by the senior leadership team member responsible for filtering and monitoring, supported by the DSL and IT support. It should include checks that filtering is working appropriately on **all internet-connected devices in all relevant locations**, and a record should be kept of those checks.⁹⁸

This turns filtering and monitoring into a clearer **assurance and governance process**. A school should therefore be able to demonstrate not merely that it has purchased filtering software, but that it knows whether the arrangements are operating effectively in its own environment.

Protect and Teach Explainer

HAVING A FILTER IS NOT THE SAME AS KNOWING THAT IT WORKS

KCSIE 2026 expects schools and colleges to:

HAVE appropriate filtering and monitoring systems;

CHECK that filtering is working appropriately;

REVIEW effectiveness at least once every academic year;

RECORD the checks undertaken; and

ACT where concerns or weaknesses are identified.

For governors and trustees, the relevant question is therefore not simply:

“Do we have filtering?”

It is:

“How do we know that it is working?”

⁹⁸ Department for Education, *Keeping Children Safe in Education 2026*, paras 173–177. Paragraph 173 requires appropriate filtering and monitoring arrangements and an effectiveness review at least once each academic year, undertaken by the responsible SLT member with support from the DSL and IT support; checks should cover filtering on internet-connected devices in relevant locations and be recorded. [GOV.UK](https://www.gov.uk)

Filtering must remain proportionate

Effective safeguarding does not mean blocking everything.

The Department's filtering and monitoring standards state that filtering should block harmful and inappropriate content **without unreasonably affecting teaching and learning**. They also recognise that no filtering system can be completely effective and that schools need to understand the coverage and limitations of their systems.⁹⁹

The appropriate arrangements will therefore depend upon the school's circumstances, including pupils' ages, vulnerabilities and use of technology.

This is particularly relevant for children with additional vulnerabilities. DfE's standards expressly identify factors including SEND, English as an additional language, safeguarding incidents and the particular risk profile of the school's pupils as matters that should inform review.

Protect and Teach Commentary

Filtering is a safeguarding tool, not a substitute for safeguarding judgement.

Technical systems can reduce exposure to harmful material and identify concerning activity. They cannot determine the meaning of every search, message or online interaction, nor can they replace professional curiosity, appropriate investigation or a child-centred safeguarding response.

*An alert should therefore be treated as **information requiring appropriate assessment**, rather than automatically as proof of wrongdoing or harm.*

Generative AI

KCSIE 2026 also reflects the growing use of generative artificial intelligence.

⁹⁹ Department for Education, *Filtering and Monitoring: Core Standard, Meeting Digital and Technology Standards in Schools and Colleges*. The standards require at least annual review and state that filtering should block harmful and inappropriate content without unreasonably affecting teaching and learning; they also emphasise that no filtering system can be completely effective. [GOV.UK](https://www.gov.uk)

The guidance now directs schools and colleges to DfE's generative-AI product-safety expectations and makes clear that filtering and monitoring requirements apply when generative AI is used in education. DfE's filtering and monitoring standards similarly require schools to consider where generative-AI products are being used and whether existing technical arrangements can deal with dynamic, personalised and AI-generated content.¹⁰⁰

This is important because safeguarding arrangements designed around conventional websites may not necessarily address content generated dynamically within applications or AI services.

Protect and Teach considers that schools introducing AI tools should therefore understand **what pupils can access, what the system can generate, what information is being entered into it, and what existing filtering and monitoring systems can and cannot detect.**

Cyber security is also a safeguarding issue

KCSIE 2026 now places information security more clearly within the safeguarding framework.

Paragraph 178 states that governing bodies and proprietors should protect children's personal information and ensure that appropriate cyber-security systems are in place, approaching this as part of the school's or college's **wider safeguarding responsibilities.**

That connection is important.

A cyber-security failure involving children's safeguarding records, health information, contact details or other sensitive information is not simply an inconvenience for the IT department. Depending upon the information compromised and the circumstances of the child, it may create a direct safeguarding risk.

¹⁰⁰ Department for Education, *Keeping Children Safe in Education 2026*, paras 175–180; Department for Education, *Filtering and Monitoring: Core Standard*. KCSIE directs schools to DfE's generative-AI product-safety expectations and treats information and cyber security as part of wider safeguarding responsibilities. The filtering and monitoring standards additionally address dynamic, personalised and AI-generated content. [GOV.UK](https://www.gov.uk)

Schools should therefore understand **what sensitive information they hold, who can access it, how access is controlled and what happens if systems or accounts are compromised.**

What schools, governors and parents should look for

For **schools and DSLs**, the practical question is whether filtering, monitoring, online-safety and information-security arrangements operate together rather than as separate technical exercises.

For **governors and trustees**, assurance should go beyond being told that a commercial filtering product is installed. They should be able to establish when effectiveness was last reviewed, who participated, what was actually checked, what weaknesses were identified and what action followed.

For **parents**, schools should be able to explain in accessible terms how children are protected online, how concerns identified through monitoring are handled, what arrangements apply to school devices and services, and how new technologies such as generative AI are being managed.

Protect and Teach position

The strengthened 2026 provisions are useful because they move the emphasis from simply **possessing safeguarding technology to demonstrating that it works.**

Filtering and monitoring should be proportionate, understood and regularly tested. Governors should receive meaningful assurance rather than technical reassurance they cannot interrogate.

*Technology can assist safeguarding. **It cannot replace human judgement, professional curiosity or accountability.***

4.5 Reasonable Force and Restrictive Intervention

KCSIE 2026 updates its section on the use of reasonable force to reflect the Department for Education's revised guidance on restrictive interventions.

The underlying principle remains that there are **limited circumstances** in which physical force may appropriately be used to safeguard a child.¹⁰¹

KCSIE describes reasonable force as covering a broad range of physical actions, from guiding a child to safety by the arm through to intervening to break up a fight or restraining a child to prevent violence or injury.

Importantly, “reasonable” does not mean whatever a member of staff considers appropriate at the time.

KCSIE defines it in this context as:

“using no more force than is necessary for the least amount of time”.¹⁰²

The circumstances of the individual incident remain central.

No-contact policies are not the answer

KCSIE does not advocate a blanket prohibition on physical contact.

The Department considers that a “no contact” policy can prevent staff from properly supporting and protecting pupils. School leaders, governing bodies and proprietors are therefore expected to adopt sensible policies which allow appropriate physical contact where necessary.¹⁰³

Whether force should actually be used in an individual situation remains a matter of professional judgement **within the law and in light of the particular circumstances.**

¹⁰¹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), para 205. KCSIE explains the limited circumstances in which reasonable force may appropriately be used to safeguard children and defines “reasonable” in this context as using no more force than necessary for the least amount of time. [GOV.UK](#)

¹⁰² Department for Education, *Keeping Children Safe in Education 2026*, para 206. KCSIE states that a “no contact” policy can leave staff unable fully to support and protect pupils and places decisions concerning reasonable force within professional judgement, the law and the individual circumstances. [GOV.UK](#)

¹⁰³ Department for Education, *Keeping Children Safe in Education 2026*, para 206. KCSIE states that a “no contact” policy can leave staff unable fully to support and protect pupils and places decisions concerning reasonable force within professional judgement, the law and the individual circumstances.

This distinction is important.

A safeguarding framework must protect children from unnecessary or disproportionate physical intervention without creating a situation in which staff feel unable to intervene to prevent immediate harm.

Protect and Teach Explainer

REASONABLE FORCE IS NOT A DEFAULT BEHAVIOUR STRATEGY

The question is not simply:

“Was staff intervention permitted?”

It should also include:

- **Was physical intervention necessary?**
- **Was no more force used than necessary?**
- **Was it used for no longer than necessary?**
- **Were the child's individual circumstances considered?**
- **Could the need for intervention reasonably have been reduced or prevented?**
- **What should be learned from the incident?**

Disabled children and children with SEND

This is where the 2026 wording is particularly important.

KCSIE expressly requires schools, when considering incidents involving children with **SEND, mental-health problems or medical conditions**, to recognise the additional vulnerability of these groups.

Schools should also consider their Equality Act 2010 duties, including the duty to make reasonable adjustments and the Public Sector Equality Duty.¹⁰⁴

The guidance then moves beyond the incident itself.

¹⁰⁴ Department for Education, *Keeping Children Safe in Education 2026*, para 207. KCSIE highlights the additional vulnerability of children with SEND, mental-health problems or medical conditions; relevant Equality Act 2010 duties; and positive, proactive behaviour support, including individual behaviour plans agreed with parents. [GOV.UK](https://www.gov.uk)

KCSIE states that positive and proactive behaviour support; including individual behaviour plans for more vulnerable children, **agreed with parents**, can reduce challenging behaviour and consequently reduce the need to use reasonable force.¹⁰⁵

That is an important safeguarding principle.

Protect and Teach Commentary

THE BEST RESTRICTIVE INTERVENTION MAY BE THE ONE THAT WAS PREVENTED

Where a child repeatedly reaches the point at which physical intervention is considered necessary, reviewing individual incidents is not enough.

*Schools should also ask what happens **before** the incident.*

For a disabled child or child with SEND, this may include considering communication needs, sensory distress, environmental triggers, unmet needs, reasonable adjustments, predictable patterns of escalation and whether an agreed support plan is actually being implemented.

Repeated physical intervention should therefore prompt consideration of whether something within the child's environment, support or planning needs to change.

This does not mean that every incident is preventable, nor that staff should refrain from necessary intervention where a child or another person is at immediate risk.

*It means that **prevention, de-escalation and learning from incidents are themselves part of good safeguarding practice.***

Parents should be part of the picture

The explicit reference to agreeing proactive behaviour plans with parents is significant.

¹⁰⁵ Department for Education, *Keeping Children Safe in Education 2026*, para 207. KCSIE highlights the additional vulnerability of children with SEND, mental-health problems or medical conditions; relevant Equality Act 2010 duties; and positive, proactive behaviour support, including individual behaviour plans agreed with parents.

Parents may hold information that is essential to understanding a child's communication, distress responses, medical needs, previous experiences and effective strategies for preventing escalation.

Where restrictive intervention occurs, communication with parents should therefore not be treated merely as an administrative exercise after the event.

The wider DfE restrictive-intervention framework includes requirements concerning the recording of significant incidents and reporting them to parents.¹⁰⁶

For schools and governors, records can also provide an important source of safeguarding intelligence. Patterns involving a particular child, group of children, member of staff, location or circumstance may indicate that individual support, staff training, environmental arrangements or wider practice requires review.

What governors and parents should look for

For **governors and trustees**, the important question is not merely whether the school has a reasonable-force policy. They should seek assurance that practice is lawful, proportionate and subject to meaningful review, particularly where restrictive intervention is repeatedly used with vulnerable children.

For **parents**, relevant questions may include what happened before an intervention, why staff considered physical intervention necessary, what intervention was used, how long it lasted, whether the child's individual needs and reasonable adjustments were considered, how the incident was recorded and what will be done to reduce the likelihood of recurrence.

¹⁰⁶ Department for Education, *Restrictive Interventions, Including Use of Reasonable Force, in Schools* (December 2025); Department for Education, *Keeping Children Safe in Education 2026*, paras 205–207. The revised restrictive-intervention framework addresses recording significant incidents involving force and reporting relevant incidents to parents. [Consult Education](#)

Protect and Teach position

Protect and Teach considers that schools must be able to intervene where physical action is genuinely necessary to protect a child or another person from harm.

That authority must sit alongside equally important safeguards against **unnecessary, disproportionate or avoidable restrictive intervention**.

This is particularly important for disabled children and children with SEND, mental-health needs or medical conditions.

Good safeguarding therefore asks two questions:

Was the intervention necessary and proportionate at the time?

and

What could reasonably be done to reduce the likelihood that it will be necessary again?

4.6 Alternative Provision: Responsibility Does Not Transfer with the Child

KCSIE 2026 strengthens the safeguarding expectations where a school places a child in **alternative provision (AP)**.

The central principle is straightforward: when a school places a pupil with an alternative provision provider, **the school continues to be responsible for safeguarding that pupil** and should be satisfied that the placement meets the pupil's needs.¹⁰⁷

This is particularly important because KCSIE recognises that pupils in alternative provision often have complex needs and may be additionally vulnerable to harm.¹⁰⁸

¹⁰⁷ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), para 210. Where a school places a pupil with an alternative provision provider, the school continues to be responsible for safeguarding the pupil and should satisfy itself that the placement meets the pupil's needs. [GOV.UK](#)

¹⁰⁸ Department for Education, *Keeping Children Safe in Education 2026*, para 211. KCSIE recognises that pupils in alternative provision often have complex needs and may be additionally vulnerable to harm. [GOV.UK](#)

Protect and Teach Explainer

THE CHILD MAY LEAVE THE SCHOOL SITE. THE SCHOOL'S SAFEGUARDING RESPONSIBILITY DOES NOT.

Commissioning alternative provision does not mean outsourcing responsibility for the child.

The commissioning school should still know:

- **WHERE** the child is;
- **WHO** is providing the provision;
- **WHETHER** appropriate safeguarding checks have been undertaken;
- **WHETHER** the child is actually attending;
- **WHETHER** the placement remains safe and suitable; and
- **WHAT** happens when a safeguarding concern arises.

Safeguarding checks and due diligence

KCSIE states that schools should obtain written information from the alternative provider confirming that appropriate safeguarding checks have been carried out on individuals working at the establishment.

That should include written confirmation that the provider will tell the commissioning school about arrangements that may place the child at risk; KCSIE gives **staff changes** as an example, so that the school can assure itself that appropriate safeguarding checks have been completed for new staff.¹⁰⁹

KCSIE 2026 also refers to the Department's voluntary national standards for non-school alternative provision and associated quality-assurance guidance.

A local authority may use those standards to establish a register of approved settings. Crucially, however, KCSIE states:

¹⁰⁹ Department for Education, *Keeping Children Safe in Education 2026*, para 211. Schools should obtain written information confirming appropriate safeguarding checks and confirmation that providers will notify the commissioning school of arrangements, including staff changes, that may place the child at risk. [GOV.UK](https://www.gov.uk)

“schools remain ultimately responsible for the provision they commission.”¹¹⁰

The existence of an approved-provider list therefore does not remove the commissioning school’s responsibility to conduct its **own safeguarding checks and due diligence** and satisfy itself that the provision is appropriate for the individual child.¹¹¹

Protect and Teach Commentary

APPROVED DOES NOT MEAN “NO FURTHER QUESTIONS REQUIRED”

An approved list or existing relationship with a provider may assist a school in selecting provision.

*It should not become a substitute for considering the **particular child, particular placement and current safeguarding circumstances**.*

*The question is not simply: “**Is this a provider we use?**”*

*It is: “**Is this placement safe and appropriate for this child now?**”*

Schools should know where the child actually is

One of the clearest practical changes in KCSIE 2026 is the expectation that:

“Schools should always know where a child is based during school hours.”¹¹²

¹¹⁰ Department for Education, *Keeping Children Safe in Education 2026*, para 212. KCSIE states that schools remain ultimately responsible for the provision they commission. [GOV.UK](#)

¹¹¹ Department for Education, *Keeping Children Safe in Education 2026*, para 212. Schools must continue to undertake safeguarding checks and their own due diligence to ensure that provision is appropriate for the individual child’s needs. [GOV.UK](#)

¹¹² Department for Education, *Keeping Children Safe in Education 2026*, para 213. Schools should always know where a child is based during school hours. [GOV.UK](#)

That includes maintaining records of the address of the alternative provider **and any subcontracted provision or satellite sites the child may attend.**¹¹³

This closes an important potential safeguarding gap.

It is not sufficient for a school merely to know the name of the organisation with which it has contracted if the child is actually receiving education somewhere else.

Protect and Teach Commentary

KNOW THE PROVIDER — AND KNOW THE LOCATION

*Where provision is subcontracted or delivered from multiple sites, safeguarding oversight should follow the **child**, not simply the contract.*

A school should not discover after an incident that a pupil was routinely attending a location that the school had never identified or considered.

Placements should be reviewed at least half-termly

KCSIE 2026 also makes the expected frequency of review much clearer.

*Alternative provision placements should be reviewed regularly, with reviews taking place frequently enough; **at least half-termly**, to provide assurance that:*

- *the child is regularly attending;*
- *the placement continues to be safe; and*
- *the placement continues to meet the child's needs.*¹¹⁴

¹¹³ Department for Education, *Keeping Children Safe in Education 2026*, para 213. Records should include the address of the alternative provider and any subcontracted provision or satellite sites attended by the child. [GOV.UK](https://www.gov.uk)

¹¹⁴ Department for Education, *Keeping Children Safe in Education 2026*, para 213. Alternative provision placements should be reviewed sufficiently frequently — at least half-termly — to provide assurance concerning attendance, safety and whether the placement continues to meet the child's needs. [GOV.UK](https://www.gov.uk)

*Where a safeguarding concern arises, KCSIE says the placement should be **immediately reviewed** and, where necessary, terminated unless or until the concern has been satisfactorily addressed.¹¹⁵*

That distinction matters.

Half-termly is the minimum routine review expectation. It is not a timetable for responding to a safeguarding concern.

A concern arising tomorrow should not wait until the next scheduled review.

Attendance is safeguarding information

The explicit requirement to consider whether the child is **regularly attending** is also significant.

A placement cannot be meaningfully quality-assured if the commissioning school does not know whether the child is actually there.

This should be understood alongside KCSIE's wider recognition that repeated or prolonged absence from education can be an important warning sign for safeguarding concerns, including neglect and exploitation.¹¹⁶

For children in alternative provision; some of whom may already have experienced disrupted education, exclusion, additional vulnerabilities or complex needs, unexplained non-attendance should therefore not be treated merely as an administrative attendance problem.

It may require safeguarding consideration.

What schools and DSLs should do

The commissioning school should retain an active safeguarding relationship with the child.

¹¹⁵ Department for Education, *Keeping Children Safe in Education 2026*, para 213. Where safeguarding concerns arise, the placement should be reviewed immediately and terminated where necessary unless or until those concerns have been satisfactorily addressed. [GOV.UK](https://www.gov.uk)

¹¹⁶ Department for Education, *Keeping Children Safe in Education 2026*, para 221. KCSIE identifies prolonged or repeated absence from education as a potential warning sign for safeguarding concerns, including neglect and child sexual or criminal exploitation.

In practical terms, it should be able to establish:

- where the child is being educated;
- whether any subcontracted or satellite provision is involved;
- who is responsible for safeguarding within the provision;
- what safeguarding checks have been completed;
- how relevant concerns and changes will be communicated;
- whether the child is attending;
- whether the placement remains suitable for the child's individual needs; and
- when the placement was last reviewed.

The DSL should not lose sight of a child simply because much or all of their education is taking place somewhere else.

What governors and trustees should check

Governors and trustees do not need to manage individual placements themselves.

They should, however, seek assurance that the school has an effective system for commissioning and overseeing alternative provision.

Useful governance questions include:

- **How many pupils are currently receiving alternative provision?**
- **Do we know where those pupils are physically educated?**
- **How do we assure ourselves about providers and any subcontracted provision?**
- **How is attendance monitored?**
- **Are placements reviewed at least half-termly?**
- **How are safeguarding concerns communicated back to the school?**
- **What happens when a placement is no longer safe or appropriate?**

This is an area where a simple provider contract should never be mistaken for safeguarding assurance.

What parents should know

Where a child is placed in alternative provision, parents should be able to understand **where their child will be educated, who will provide that education and how the school will continue to oversee the placement.**

Reasonable questions include whether any other provider or satellite site will be used, how attendance will be monitored, how safeguarding concerns will be shared with the school, how frequently the placement will be reviewed and who parents should contact if they have concerns.

Protect and Teach position

Protect and Teach welcomes the clearer emphasis in KCSIE 2026 on continuing responsibility for children placed in alternative provision.

A child's physical absence from the school site must not become a **safeguarding blind spot.**

Commissioning provision does not transfer accountability. Schools should know **where the child is, whether the child is attending, whether the placement remains safe and appropriate, and what action is being taken when concerns arise.**

For children who may already be particularly vulnerable, that continuing oversight is essential.

4.7 Safer Recruitment and Volunteers: Closing the Supervision Gap

KCSIE 2026 updates its safer recruitment guidance following the removal of the **supervision exemption** from regulated activity involving children. Previously, a volunteer carrying out certain activities with children could fall outside regulated activity because they were supervised. Supervision no longer has that effect where the other conditions for regulated activity are met.¹¹⁷

For a volunteer whose role involves teaching, training, instructing or supervising children **frequently, on more than three days in a 30-day**

¹¹⁷ Department for Education, *Keeping Children Safe in Education 2026* (September 2026), Annex C, summary of Part Three; paras 317–318 and 383. [KCSIE 2026](#).

period, or overnight, KCSIE says the school or college should obtain an enhanced DBS check **with children's barred list information**. The change also affects existing volunteers whose roles now fall within regulated activity: schools and colleges must check their barred list status.¹¹⁸

Protect and Teach commentary

Supervision remains important, but its legal role has changed

Appropriate supervision remains a safeguarding measure. It cannot now be used as the reason to omit barred list protection for a volunteer whose work meets the regulated activity conditions. Schools need to assess the **work actually undertaken and its frequency**, rather than rely on a volunteer's title or on an assumption that being accompanied by a checked member of staff settles the question.

The reform does not create a universal enhanced DBS requirement for everyone who enters a school or helps occasionally. For volunteers outside regulated activity, KCSIE requires a **recorded risk assessment** to determine what checks, if any, are appropriate. Equally, a volunteer on whom no checks have been obtained must not be left unsupervised or allowed to undertake regulated activity.¹¹⁹

There is an important distinction for school-based early years provision. Where the EYFS framework applies, a volunteer must **not begin working in the EYFS setting until the school has received the enhanced DBS certificate with children's barred list information**. Schools should not apply the general arrangements for starting work while a certificate is pending without checking this specific restriction.¹²⁰

DBS checking is only one element of safer recruitment. Schools must also establish identity, make the other relevant pre-appointment checks and maintain procedures for responding to concerns that arise after a person starts work. KCSIE's revised guidance also addresses checks for

¹¹⁸ Department for Education, *Keeping Children Safe in Education 2026*, paras 383–385. [KCSIE 2026](#).

¹¹⁹ Department for Education, *Keeping Children Safe in Education 2026*, paras 387–390. [KCSIE 2026](#).

¹²⁰ Department for Education, *Keeping Children Safe in Education 2026*, para 386; see also para 326 on EYFS settings. [KCSIE 2026](#).

contractors, self-employed people, trainee teachers and visitors; the required response depends on the person's role and circumstances.¹²¹

Protect and Teach position

Protect and Teach welcomes the removal of the supervision exemption. It closes a gap identified in our earlier analysis, but its safeguarding value depends on schools reviewing existing volunteer roles, applying the correct checks and recording their decisions. The assurance question is: ***“does the school know who is working with children, what they do, how often they do it, and why the checks and safeguards chosen are appropriate?”***¹²²

4.8 Child-on-Child Sexual Harm: Recognition, Prevention and Response

KCSIE 2026 substantially rewrites Part Five, which addresses **harmful sexual behaviour, child-on-child sexual harassment and sexual violence**. Its scope includes incidents online and outside school or college premises. The revision places greater emphasis on recognising concerning behaviour early, responding to reports properly and protecting every child affected.¹²³

Recognising behaviour before it escalates

The guidance describes harmful sexual behaviour as existing on a continuum. Children's sexual behaviour must be understood in light of their age and development, but behaviour that is problematic, abusive or violent requires a safeguarding response. KCSIE also emphasises that sexual harassment and violence must never be dismissed as “banter” or an ordinary part of growing up. It specifically identifies the value of challenging misogynistic behaviour early.¹²⁴

¹²¹ Department for Education, *Keeping Children Safe in Education 2026*, Part Three, especially paras 311, 370–382. [KCSIE 2026](#).

¹²² Protect and Teach, [What's New with DBS Checking Involving Children from September 2026?](#) (12 August 2026). This earlier article provides the organisation's fuller analysis of the reform and the safeguarding limits that remain.

¹²³ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 529–530 and Annex C, summary of Part Five. [KCSIE 2026](#).

¹²⁴ Department for Education, *Keeping Children Safe in Education 2026*, paras 530 and 534–538.

This calls for careful judgement. A continuum is a tool for recognising and assessing behaviour; it is not a prediction that every child who behaves inappropriately will commit sexual violence. Schools should consider what happened, the ages and developmental stages of the children, any difference in power, and whether coercion, exploitation or vulnerability is present.

Protect and Teach commentary

TAKE THE BEHAVIOUR SERIOUSLY. ASSESS THE CHILDREN INDIVIDUALLY.

A child who reports sexual harm needs to be heard, protected and supported. A child who displays harmful sexual behaviour may also have safeguarding needs.

Recognising both does not diminish the harm experienced by the child who reported it. It means that the response must address the behaviour, assess risk and consider the welfare of all children involved.¹²⁵

KCSIE notes that girls are more likely to be victims of sexual harassment and sexual violence, and boys more likely to perpetrate it. It also highlights the heightened risk of abuse faced by children with disabilities. Those patterns should inform professional awareness without leading staff to overlook a child whose experience does not fit an expected pattern.¹²⁶

Image sharing requires a safeguarding response

KCSIE 2026 makes clear that **every incident involving the sharing of nude or semi-nude images requires a safeguarding response**, whether the sharing is described as consensual or non-consensual. That response must be proportionate and consider the children's age, development and circumstances, including any coercion, exploitation or vulnerability.¹²⁷

A safeguarding response does not mean applying the same sanction or making the same referral in every case. It means the incident must be

¹²⁵ Department for Education, *Keeping Children Safe in Education 2026*, paras 35–36, 537–538 and 572. [KCSIE 2026](#).

¹²⁶ Department for Education, *Keeping Children Safe in Education 2026*, para 532. [KCSIE 2026](#).

¹²⁷ Department for Education, *Keeping Children Safe in Education 2026*, para 530 and Annex C, summary of Part Five. [KCSIE 2026](#).

considered by the appropriate staff, the relevant risks assessed and the reasons for the action taken recorded. The use of artificial intelligence to alter or generate images must also be understood within the guidance's wider treatment of nude and semi-nude images.¹²⁸

The first response can affect whether a child is heard

The revised guidance stresses that children may signal distress without making a direct disclosure. Staff should act on concerns rather than wait for a child to give a complete account. When a child does report harm, they should be taken seriously, reassured that they will be supported and kept safe, and listened to without blame. Staff should make an accurate written record and involve the designated safeguarding lead promptly.¹²⁹

The designated safeguarding lead should lead the school's response, drawing on children's social care, the police and specialist services where appropriate. Following a report of sexual violence, an **immediate risk and needs assessment** should be carried out; following a report of sexual harassment, the need for one should be considered. The assessment must address the child who reported harm, the alleged perpetrator and other children who may be affected. Protective arrangements should be considered immediately, including how children share classes, premises and transport.¹³⁰

Protect and Teach position

The strength of the revised Part Five lies in its insistence that schools recognise harm early and respond to children as individuals. A written policy alone cannot establish whether children feel able to report, whether staff recognise less direct signs of distress, or whether action after a report actually keeps children safe.

Schools should be able to demonstrate how concerns are identified, recorded, assessed and followed through; how parents are involved where appropriate; and how they check that support and protective

¹²⁸ Department for Education, *Keeping Children Safe in Education 2026*, "About this guidance", explanation of nudes and semi-nudes, and para 530. [KCSIE 2026](#).

¹²⁹ Department for Education, *Keeping Children Safe in Education 2026*, paras 555–558. [KCSIE 2026](#).

¹³⁰ Department for Education, *Keeping Children Safe in Education 2026*, paras 544–545, 553, 568–572 and accompanying guidance on children sharing classes and premises. [KCSIE 2026](#).

arrangements remain effective. Prevention, a fair and proportionate response, and the continuing welfare of the children involved must all be part of the safeguarding system.

4.9 Exploitation, Serious Violence and Mental Health: Recognising Connected Risks

KCSIE 2026 expands its guidance on child criminal exploitation (CCE), child sexual exploitation (CSE), serious violence and mental health. These are distinct safeguarding concerns, but they can overlap in a child's life. A school may first notice absence, a change in behaviour, a weapon-related concern or signs of distress without yet knowing what lies behind it.¹³¹

Exploitation: behaviour may conceal coercion

The revised guidance explains that CCE and CSE may be committed or facilitated by an individual, an organised network or a gang. A child may identify with the group exploiting them, believe an exploitative relationship is genuine, or fail to recognise that they are being abused. KCSIE also warns that children can be **criminalised for actions taken under coercion**. Where a potential victim of CCE or CSE is identified, the guidance calls for the relevant child protection and modern slavery referrals.¹³²

Protect and Teach commentary

Look beyond the presenting behaviour

A child found carrying drugs, money or a weapon may have broken a school rule and may pose a risk to others. Those facts require a response. They do not settle whether the child is also being threatened, controlled or exploited.

Schools should examine what the child has been asked or pressured to do, who may be benefiting, and whether the child or their family is at risk. A safeguarding assessment and an appropriate behaviour response may

¹³¹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 38–54 and Annex C, summary of Part One. [.KCSIE 2026](#).

¹³² Department for Education, *Keeping Children Safe in Education 2026*, paras 38–40 and 42–44. Paragraph 38 addresses child protection and modern slavery referrals where a potential victim of CCE or CSE is identified. [.KCSIE 2026](#).

both be necessary. Treating the incident solely as misconduct risks missing the exploitation behind it.

*KCSIE notes that girls' experiences and indicators of criminal exploitation may differ from boys', and that children experiencing criminal exploitation may also be at risk of sexual exploitation. Staff should avoid relying on a single assumed profile of an exploited child.*¹³³

Serious violence: assess risk to the child and to others

KCSIE's expanded serious-violence section addresses physical assault, weapons, peer conflict and the possible connection with criminal exploitation. Staff should report concerns about a child carrying or using a weapon, or expressing an intention to do so, to the designated safeguarding lead. The DSL should assess risk to **the child and others**, consider wider information and take appropriate action, which may include a safety and support plan.¹³⁴

The guidance identifies disrupted education, including suspension, exclusion and time in alternative provision, among factors associated with increased risk. It also asks schools to consider **when and where** children may be most at risk around the school day. This connects to the continuing oversight of children in alternative provision discussed in section 4.6: placement and attendance information can form part of a fuller safeguarding picture.¹³⁵

Protect and Teach considers that a response to serious violence should combine immediate protection with careful assessment. A child who has harmed or threatened someone may also be frightened, exploited or at risk of further harm. Neither possibility should be assumed; both should be investigated as the circumstances require.

¹³³ Department for Education, *Keeping Children Safe in Education 2026*, paras 41 and 44. [KCSIE 2026](#).

¹³⁴ Department for Education, *Keeping Children Safe in Education 2026*, para 51. [KCSIE 2026](#).

¹³⁵ Department for Education, *Keeping Children Safe in Education 2026*, paras 52–53 and Annex A, "Serious violence"; see also paras 210–213 on alternative provision. [KCSIE 2026](#).

Mental health: recognise warning signs without making a diagnosis

KCSIE 2026 gives staff clearer guidance on mental health concerns, including self-harm, eating disorders, suicidal thoughts and risk of suicide. It makes an important distinction: **appropriately trained professionals diagnose mental health problems**, while education staff observe children day to day, recognise possible warning signs and seek appropriate help. The guidance cautions that a sign such as withdrawal or changed behaviour does not, by itself, establish that a child has a mental health condition or is suicidal.¹³⁶

Mental health concerns can also be connected with abuse, neglect or exploitation. Where a concern is also a safeguarding concern, staff should follow the child protection policy and speak to the DSL or deputy.

KCSIE sets out routes for urgent and emergency help. In its separate section on children requiring mental health support, it identifies early observation, targeted support and liaison with specialist services as part of the school's role.

It also says the DSL should consider informing parents or carers where that would support the child **and would not place them at additional risk**.¹³⁷

Protect and Teach position

These revisions support a response based on **evidence, context and the individual child**. Staff should record what they have observed, listen to what the child says, distinguish facts from assumptions and share concerns through the appropriate safeguarding route. Schools must act on immediate risks while remaining open to the possibility that distress, violence or apparent offending is part of a wider pattern of harm.

¹³⁶ Department for Education, *Keeping Children Safe in Education 2026*, paras 47–49. [.KCSIE 2026](#).

¹³⁷ Department for Education, *Keeping Children Safe in Education 2026*, paras 50 and 226–232. [.KCSIE 2026](#).

Early intervention matters most when it is followed through: the school should know who is responsible for the next action, what support or referral was made, and whether the child is safer as a result.¹³⁸

4.10 Children Whose Safeguarding Needs May Be Missed

KCSIE 2026 adds a section on **young carers**, expands its account of the barriers faced by children with special educational needs and disabilities (SEND), and adds a section on **safeguarding children with medical conditions**. These changes share a practical concern: adults may see an attendance, behaviour or care issue without recognising what the child needs, or what the issue might reveal about their safety.¹³⁹

Young carers: identify the responsibility behind the presentation

KCSIE states that caring responsibilities can affect a young carer's **attendance, attainment, behaviour and wellbeing**. Schools and colleges should identify young carers early so that appropriate support can be offered, including support from external partners, local authorities or health services.¹⁴⁰

A pupil who is frequently late, tired or struggling to complete work may need help with a caring responsibility at home. Staff should explore the circumstances sensitively rather than assume a lack of commitment. Identification should lead to a considered response: what support does the child need, who should be involved, and does the situation raise a concern about the child's own welfare?

Protect and Teach commentary

The child must remain visible

A young carer may be capable, devoted to their family and reluctant to describe their responsibilities as a problem. None of those things removes the school's responsibility to consider the effect on the child's education and wellbeing. Support should respond to the child's actual

¹³⁸ Protect and Teach analysis drawing on Department for Education, *Keeping Children Safe in Education 2026*, paras 38–54, 57–63 and 226–232. [KCSIE 2026](#).

¹³⁹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, summary of Part Two; paras 248–252. [KCSIE 2026](#).

¹⁴⁰ Department for Education, *Keeping Children Safe in Education 2026*, para 248. [KCSIE 2026](#).

circumstances, without treating caring itself as evidence of abuse or neglect.

SEND and health conditions: do not explain away a concern

KCSIE warns against assuming that changes in a child's **behaviour or mood, or an injury**, are simply consequences of a disability or condition without further exploration. It also identifies isolation and bullying, communication barriers, dependence on adults for care, and the possibility that a child may not recognise or be able to report abuse. Some children may be substantially affected by bullying without showing obvious outward signs.¹⁴¹

These are reasons for **greater professional curiosity**, not for assuming that every difficulty has a safeguarding cause. Staff need to establish what has changed, listen to the child in a way they can understand and use, and consider information from those who know their needs. KCSIE says reports of abuse involving a child with SEND require close liaison between the DSL and the SENCO, or the person with oversight for SEND in a college. It also calls for appropriate communication support and consideration of additional pastoral support.¹⁴²

Protect and Teach explainer

ACCESS TO COMMUNICATION IS ACCESS TO SAFEGUARDING

A child cannot reliably be heard if the reporting process assumes that every pupil can describe harm in the same way. Schools should consider how a particular child communicates distress, how they can raise a concern privately, and what support they need to explain what happened. Adults should take care to distinguish the child's account from their own interpretation of it.

This matters particularly where a child receives intimate care or depends on adults for daily support. Such care requires clear arrangements and accountability, while the child's dignity and ability to communicate discomfort remain central.

¹⁴¹ Department for Education, *Keeping Children Safe in Education 2026*, para 249. [.KCSIE 2026](#).

¹⁴² Department for Education, *Keeping Children Safe in Education 2026*, paras 250–251. [.KCSIE 2026](#).

Medical incidents: distinguish an incident from a safeguarding concern

The new medical-conditions section makes a careful distinction. An incident involving the management of a child's condition or allergy **does not, by itself, warrant a referral to local safeguarding partners**. KCSIE says a safeguarding referral is needed where the incident highlights concern that the child may be at increased risk of neglect, abuse or exploitation because of their condition. It gives examples including relevant medical information not being provided to the setting or a child repeatedly arriving without essential medication.¹⁴³

This should not become an automatic rule in either direction. A school must address the immediate medical needs and establish what occurred. It should then assess whether the facts also indicate a safeguarding concern, recording its reasoning and seeking appropriate advice where necessary. A mistaken assumption about a parent, or a decision to disregard a repeated risk, could each fail the child.

Protect and Teach position

The value of these additions is that they direct attention to **the individual child behind the label, incident or presentation**. Safeguarding depends on noticing possible harm, communicating accessibly, involving parents and relevant professionals appropriately, and testing initial explanations against the facts.

Governors and leaders should seek assurance that policies work for children who may find it hardest to report a concern, and that a child's disability, caring role or medical condition neither obscures a risk nor becomes an unsupported allegation against their family.¹⁴⁴

¹⁴³ Department for Education, *Keeping Children Safe in Education 2026*, para 252. [KCSIE 2026](#).

¹⁴⁴ Protect and Teach analysis of Department for Education, *Keeping Children Safe in Education 2026*, paras 248–252 and Annex B, "Training, knowledge and skills" and "Understanding the views of children". [KCSIE 2026](#).

4.11 Safeguarding Systems: Continuity, Information and Accountability

The changes examined in this chapter depend on reliable systems for receiving concerns, making decisions and following them through. KCSIE 2026 strengthens its guidance on **DSL cover, information sharing, referrals and allegations involving adults who are not directly employed by the school**. The practical test is whether safeguarding continues to work when a named person is absent, a child moves setting or responsibility is shared with another organisation.¹⁴⁵

Safeguarding concerns must reach someone who can act

KCSIE says schools should have **robust cover arrangements** when the designated safeguarding lead is unavailable through illness, leave or other circumstances. A confidential shared mailbox is one possible method, but the point is that concerns are received, monitored and acted upon without delay. Deputies, where appointed, should be trained to the same standard as the DSL.¹⁴⁶

Protect and Teach commentary

Availability is a system, not a name on a poster

Staff need to know who will receive a concern today, including when the DSL is absent.

*A mailbox that nobody monitors, or an arrangement known only to senior leaders, does not provide effective cover. KCSIE also makes clear that an exceptional absence of the DSL or deputy must **not delay appropriate action**: staff may seek advice from senior leadership or children's social care and must pass the action taken to the DSL as soon as practicable.¹⁴⁷*

¹⁴⁵ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), Annex C, summaries of Parts One, Two and Four. [.KCSIE 2026](#).

¹⁴⁶ Department for Education, *Keeping Children Safe in Education 2026*, paras 129–130 and Annex B, "Availability". The shared mailbox is an example, not a prescribed system. [.KCSIE 2026](#).

¹⁴⁷ Department for Education, *Keeping Children Safe in Education 2026*, para 61. [.KCSIE 2026](#).

Family Help must not obscure the threshold for protection

The guidance distinguishes community-based early help, targeted early help through **Family Help**, and statutory support under section 17 of the Children Act 1989. Staff should understand local assessment and referral processes. A child receiving early support should remain under review, with consideration of a referral to children's social care if their situation is not improving or is worsening. Where a child is suffering, or is likely to suffer, harm, KCSIE calls for an immediate referral to children's social care and, where appropriate, the police.¹⁴⁸

These are decisions about the child's **level of need and risk**, not simply which service has capacity. Schools should know the local threshold document and assessment protocol, record their reasoning and revisit a decision when new information emerges. Targeted early help is voluntary and requires the family's consent; that must not be confused with the response required where protection from harm is needed.¹⁴⁹

Share relevant information in time for it to protect the child

KCSIE asks staff to share safeguarding information proactively and early. The information should be **relevant, necessary and appropriately contextualised**. Professional judgement may justify a concise summary, but information needed to understand or manage a risk must not be omitted. Data protection law does not prevent appropriate sharing for safeguarding purposes; staff should seek advice where the lawful basis or scope is unclear.¹⁵⁰

The distinction between *sharing everything* and *sharing what matters* is important. A receiving professional needs to understand the present concern, its context, actions already taken and any support or risk that requires attention. An unstructured history may obscure the immediate issue; an over-edited summary may conceal it.

¹⁴⁸ Department for Education, *Keeping Children Safe in Education 2026*, paras 60 and 64–65; see also paras 585–588 on Family Help. [.KCSIE 2026](#).

¹⁴⁹ Department for Education, *Keeping Children Safe in Education 2026*, paras 13, 62–65 and 585–589, including the references to local thresholds and assessment protocols. [.KCSIE 2026](#).

¹⁵⁰ Department for Education, *Keeping Children Safe in Education 2026*, paras 140–149. [.KCSIE 2026](#).

This is especially consequential when a child changes school. KCSIE specifies that the child protection file should transfer securely **within five days of an in-year transfer or within the first five days of a new term**, with confirmation of receipt. Where information indicates risk to the child or others, the receiving school must assess that risk and put appropriate safety and support arrangements in place.¹⁵¹

Protect and Teach explainer

A FILE TRANSFER IS NOT THE END OF A SAFEGUARDING HANDOVER

The sending school must communicate the information needed for continuity. The receiving school must review it, understand current concerns and act on them. Where the circumstances are complex, a conversation between DSLs may make the written record more useful. The child should not have to wait for adults to discover, after an incident, what was already known.

Responsibility does not disappear at an organisational boundary

Part Four clarifies the response to allegations concerning **supply teachers, trainee teachers and contracted staff**. Where an individual is supplied or placed by another organisation, the school and that organisation share safeguarding responsibilities. The school remains responsible for gathering facts and managing the safeguarding process while working with the agency or training provider. For trainee teachers, KCSIE says the relevant expectations on schools also apply and training providers should follow the procedures set out for supply agencies.¹⁵²

A school should not treat ending a placement or declining further work as the complete safeguarding response. Allegations must be addressed through the appropriate process, including liaison with the local authority

¹⁵¹ Department for Education, *Keeping Children Safe in Education 2026*, paras 150–152 and Annex B, “Information sharing and managing the child protection file”. [KCSIE 2026](#).

¹⁵² Department for Education, *Keeping Children Safe in Education 2026*, paras 455 and 459. [KCSIE 2026](#).

designated officer where required, so that relevant information and risks are not lost when an adult moves elsewhere.¹⁵³

Policies must describe the response children will receive

KCSIE 2026 also revises what a school's child protection policy should address. It should reflect accessible reporting arrangements, the response to child-on-child abuse, local multi-agency arrangements, online safety and the needs of children with SEND. The accompanying behaviour policy should include measures to prevent prejudice-based and discriminatory bullying. The child protection policy should be reviewed at least annually and updated when emerging issues or lessons learned require it.¹⁵⁴

Protect and Teach considers that the policy should be tested against practice.

Can a child understand how to report a concern?

Do staff know what to record and whom to tell?

Can leaders show how the policy changed after a safeguarding lesson was identified?

A published document provides transparency; its value depends on whether those procedures work for children.

Protect and Teach position

Safeguarding accountability must survive **absence, referral, transfer and organisational boundaries**. Protect and Teach considers that leaders and governors should test these arrangements in practice: who sees an urgent concern, who follows up a referral, what the next setting receives, and who manages an allegation involving someone supplied by another organisation.

¹⁵³ Department for Education, *Keeping Children Safe in Education 2026*, paras 455–459; Protect and Teach analysis of the need to maintain a complete safeguarding response across organisations. [KCSIE 2026](#).

¹⁵⁴ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 119–124 and 192–193.

Good systems make it possible to act promptly, explain decisions and check whether the child was protected. They also make failures visible and correctable.

Chapter 4: Closing analysis

KCSIE 2026 makes several safeguarding expectations more explicit. Across the changes examined in this chapter, a consistent test emerges: schools and colleges must be able to show how a concern about a particular child is recognised, assessed, acted upon and reviewed. A policy, placement, technical system or referral is not the end of that process.

For Protect and Teach, effective safeguarding requires attention to the child's welfare and developing mind, accurate information, proportionate decisions and clear accountability. It also requires schools to involve parents appropriately, listen to children who may struggle to be heard, and distinguish established facts from assumptions. The changes in KCSIE 2026 should be judged by how well those principles work in practice.

The following chapters turn this analysis into the specific questions and actions relevant to schools and designated safeguarding leads, governors and trustees, and parents.

5. What Schools and Designated Safeguarding Leads Need to Know

KCSIE 2026 requires schools to translate safeguarding guidance into arrangements that work for individual children. The changes analysed in Chapter 4 affect staff knowledge, decisions about children's welfare, oversight of provision and the handling of information. This chapter identifies the principal actions for school leaders and designated safeguarding leads (DSLs).

5.1 Ensure every member of staff understands their role

All staff should read **Part One in full**, including those who do not work directly with children. Schools should provide induction, regular safeguarding updates and a clear route for reporting concerns. Staff must know what to do when the DSL is unavailable and must not wait for someone else to act on an urgent concern.¹⁵⁵

Training should help staff recognise concerns in practice: a child's indirect disclosure, signs of exploitation or serious violence, possible mental health risks, child-on-child harm, and the additional barriers faced by children with SEND, medical conditions or caring responsibilities. Staff should record what they observed and heard, distinguishing those facts from their interpretation.

5.2 Make and review child-specific decisions

The DSL should bring together the available information, listen to the child in a way they can use, and consider the child's individual needs and circumstances. Parents should be involved where appropriate, with decisions to withhold information based on an identified risk to the child rather than a routine assumption.¹⁵⁶

¹⁵⁵ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), "School and college staff", paras 11–13, 57–63 and 129–130. [KCSIE 2026](#).

¹⁵⁶ Department for Education, *Keeping Children Safe in Education 2026*, paras 60 and 120; see also the guidance on listening to children in Annex B and the child-specific considerations addressed in Chapter 4 of this paper. [KCSIE 2026](#).

The response must match the concern. Options may include support within school, a Family Help assessment, a referral to children's social care or immediate action where a child is at risk of harm. Decisions and their reasons should be recorded and revisited if new information arises or support is not improving the child's situation.¹⁵⁷

This approach is particularly important when considering requests concerning social transition, physical intervention, allegations of sexual harm, an incident involving a medical condition or apparent offending that may conceal exploitation. Chapter 4 examines the distinct rules and risks in each area; they must not be replaced by one blanket response.

5.3 Apply the new Information Sharing Duty

From **30 September 2026**, organisations within the scope of section 16LA of the Children Act 2004 must share relevant information with another organisation within scope where they consider that disclosure may help it assess need or risk, make a decision, provide support or take action to safeguard or promote a child's welfare. The duty applies both when an organisation identifies information to share and when it receives a relevant request. A child does **not** have to meet a child protection threshold before information can be shared: emerging needs and early support are within scope.¹⁵⁸

Schools and DSLs should therefore review how staff identify information that another service may need, establish who receives and answers requests, and record what was shared, with whom and why. Decisions should consider **relevance**, how disclosure may help the recipient, and whether sharing would be **more detrimental to the child than withholding it**.

That last limitation is intended to apply only in rare, carefully considered circumstances; lack of parental consent or concern that a parent may object does not, by itself, remove the duty. Staff should share

¹⁵⁷ Department for Education, *Keeping Children Safe in Education 2026*, paras 60–65 and 585–592. [KCSIE 2026](#).

¹⁵⁸ Department for Education, [Information Sharing Duty: Statutory Guidance for Safeguarding Organisations and Their Practitioners](#) (September 2026), Summary and Chapter 1, especially paras 2–7 and 14; Children Act 2004, s 16LA. The duty applies to scenarios arising from 30 September 2026.

proportionately, accurately and securely, and seek prompt advice when unsure.¹⁵⁹

Protect and Teach commentary

Information sharing should neither become an indiscriminate transfer of a child's history nor be blocked by a mistaken belief that data protection always requires consent. The child's welfare is the test. Schools should pass on information that can assist a safeguarding or welfare decision, provide enough context to avoid a misleading impression, and be transparent with children and parents where doing so is safe and appropriate.

5.4 Keep oversight when provision or responsibility is shared

A school remains responsible for safeguarding a pupil it places in alternative provision. It should know where the child is educated, including any subcontracted or satellite site; confirm the necessary safeguarding checks; monitor attendance; and review the placement at least half-termly. A safeguarding concern requires an immediate review rather than waiting for the scheduled date.¹⁶⁰

Similarly, where a concern involves a supply teacher, trainee teacher or contracted worker, the school must work with the relevant agency or provider while carrying out its own safeguarding responsibilities. Passing the matter to another organisation or ending a placement is not, by itself, a complete response.¹⁶¹

5.5 Check that policies and systems work

Leaders and DSLs should be able to demonstrate that children can report concerns, staff know how to respond, DSL cover is reliable, and child protection files move securely when a child changes settings. Online filtering and monitoring should be checked and its effectiveness reviewed at least annually with the involvement specified in KCSIE.

¹⁵⁹ Department for Education, [Information Sharing Duty: Statutory Guidance](#), Chapter 1, paras 9–14, including the limited detriment exception and the relevance, facilitation and detriment tests.

¹⁶⁰ Department for Education, *Keeping Children Safe in Education 2026*, paras 210–213. [KCSIE 2026](#).

¹⁶¹ Department for Education, *Keeping Children Safe in Education 2026*, paras 455–459. [KCSIE 2026](#).

Policies should be updated when practice reveals a weakness.¹⁶²

Protect and Teach position

The question for a school is not merely whether each policy exists. It is whether staff can apply it, children can access its protections, parents receive appropriate information, and leaders can identify and correct a failure. Evidence-informed safeguarding requires schools to explain **what they knew, what they decided, why they decided it and what happened next**.

Chapter 5: Closing point

Schools and DSLs should be able to trace a safeguarding concern from the first observation or report through assessment, action, information sharing and review. The procedures must work when a child is vulnerable, a professional is absent or another organisation is involved.

Chapter 6 considers how governors and trustees can obtain meaningful assurance that this happens in practice.

¹⁶² Department for Education, *Keeping Children Safe in Education 2026*, paras 121–124, 150–152 and 173–177; Annex B, “Availability”. [KCSIE 2026](#).

6. What Governors and Trustees Need to Know

Governing bodies and proprietors have **strategic responsibility** for safeguarding. They must have regard to KCSIE and ensure that the school's policies, procedures and training are effective and comply with the law. Their task is to establish whether leaders have put the guidance into practice and whether weaknesses are identified and corrected.¹⁶³

6.1 Leadership, training and capacity

KCSIE expects a senior board-level lead for safeguarding and appropriate safeguarding and child protection training, including online safety, for governors and trustees at induction. The governing body should also ensure that the DSL has the authority, time, resources, training and support needed for the role, with reliable cover when the DSL is unavailable.¹⁶⁴

A safeguarding report to governors should therefore answer more than whether training took place or a DSL was appointed. It should explain whether concerns reach the right person promptly, whether staff understand the reporting route and whether the DSL can carry out the role effectively.

6.2 Assurance about children and provision

Governors should seek evidence that the child protection policy is accessible, current and reflected in practice. This includes arrangements for child-on-child abuse, children with SEND or medical conditions, online safety, safer recruitment and allegations concerning adults. They should be able to see how leaders learn from incidents and update policies where necessary.¹⁶⁵

Alternative provision requires specific oversight. Governors do not need to manage each placement, but they should know how the school confirms providers' safeguarding arrangements, records where pupils are educated,

¹⁶³ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 83–84. [KCSIE 2026](#).

¹⁶⁴ Department for Education, *Keeping Children Safe in Education 2026*, paras 86–87 and 127–130. [KCSIE 2026](#).

¹⁶⁵ Department for Education, *Keeping Children Safe in Education 2026*, paras 119–124, 188–193 and 249–252. [KCSIE 2026](#).

monitors attendance, conducts at least half-termly reviews and responds immediately when a safeguarding concern arises.¹⁶⁶

6.3 Information sharing and continuity

The new Information Sharing Duty comes into force on **30 September 2026**. Boards should seek assurance that the school has reviewed its procedures and that relevant staff understand when information must be shared, how decisions are recorded, and how sensitive information is shared lawfully and securely. Governance should support timely, proportionate sharing rather than create an approval bottleneck for urgent safeguarding action.¹⁶⁷

Governors should also ask how the school confirms receipt of child protection files after a pupil transfers and how the receiving school reviews information that may require immediate support or a safety plan.

6.4 Test effectiveness, not merely compliance on paper

Filtering and monitoring provide a clear example. KCSIE expects an effectiveness review **at least once each academic year**, involving the responsible senior leader with DSL and IT support, including recorded checks across relevant devices and locations. Governors should ask what those checks found and what changed as a result.¹⁶⁸

The same approach applies more broadly. Useful assurance questions are:

- Can children, including those who need communication support, report a concern safely?
- Are concerns acted on and reviewed, including when the DSL is absent?
- Do leaders know where pupils in alternative provision actually are?
- Are decisions to share or withhold safeguarding information reasoned and recorded?

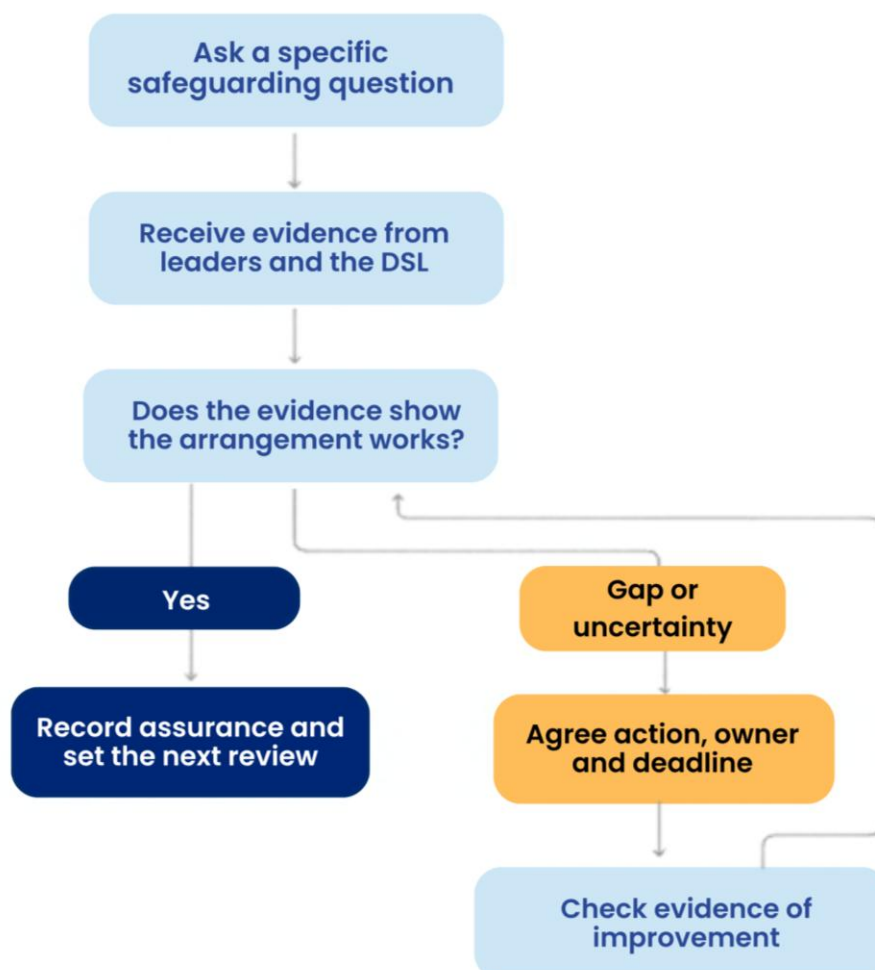
¹⁶⁶ Department for Education, *Keeping Children Safe in Education 2026*, paras 210–213. [KCSIE 2026](#).

¹⁶⁷ Department for Education, [Information Sharing Duty: Statutory Guidance for Safeguarding Organisations and Their Practitioners](#) (September 2026), Summary and Chapter 1, especially paras 4–14; Department for Education, *Keeping Children Safe in Education 2026*, paras 140–152.

¹⁶⁸ Department for Education, *Keeping Children Safe in Education 2026*, paras 173–177. [KCSIE 2026](#).

- What did the school learn from recent concerns, complaints or incidents?

Figure 6.1: The governors' safeguarding assurance cycle



Governors test the effectiveness of safeguarding arrangements, record the basis for their assurance and follow identified gaps through to evidence of improvement. Operational decisions about individual children remain with the appropriate safeguarding professionals.

Protect and Teach position

Good governance protects children by testing whether arrangements work for them. Governors and trustees should welcome evidence of a weakness being identified and corrected; a report that describes only policies and training cannot establish effectiveness. Their oversight should be independent, proportionate and grounded in the child's welfare, accurate information and clear accountability.

Chapter 6: Closing point

Governors and trustees do not manage individual safeguarding cases. Their responsibility is to ensure that leaders have effective arrangements, receive meaningful evidence about how those arrangements work, and pursue concerns when assurance is weak.

The governing question is: **how do we know that children are safer because this policy or procedure is operating as intended?**

Where evidence reveals a gap, the board should agree who will address it, by when, and what evidence will demonstrate improvement. Chapter 7 turns to what parents should be able to understand and expect from their child's school.

7. What Parents Need to Know

Parents do not need to master every paragraph of KCSIE to ask informed questions about their child's safety. They should be able to find the school's child protection policy, know how to raise a concern and receive a clear explanation of how the school will respond. KCSIE expects safeguarding policies and reporting systems to be understandable and accessible to children and parents.¹⁶⁹

7.1 Know who to contact and what happens next

A school should identify its designated safeguarding lead (DSL) and explain how concerns can be raised when that person is unavailable. Parents can ask how a concern will be recorded, who will assess it, whether another service will be involved and when they can expect an update.

The school may not be able to disclose confidential information about another child or an ongoing investigation. It should nevertheless explain the steps relevant to **their own child's safety and support**, as far as it lawfully can.¹⁷⁰

7.2 Expect individual decisions and appropriate involvement

KCSIE recognises the important role of parents and carers. Decisions about support should take account of the child's circumstances and involve parents where appropriate, unless doing so would increase the risk to the child. In its guidance on children questioning their gender, KCSIE specifically says schools should engage parents as a matter of priority; a decision that involving them would create greater risk requires individual safeguarding consideration by the DSL.¹⁷¹

Parents can reasonably ask what information the school has considered, how it has heard the child's views, what support is proposed and when the decision will be reviewed. A child's disability, medical condition or

¹⁶⁹ Department for Education, *Keeping Children Safe in Education 2026: Statutory Guidance for Schools and Colleges* (September 2026), paras 120–124; Annex B, "Raising awareness". [KCSIE 2026](#).

¹⁷⁰ Department for Education, *Keeping Children Safe in Education 2026*, paras 61, 129–130 and 140–149; see also Part Five on confidentiality and support following a report of sexual harm. [KCSIE 2026](#).

¹⁷¹ Department for Education, *Keeping Children Safe in Education 2026*, paras 60, 229 and 268–270. [KCSIE 2026](#).

communication needs should be considered in how the school listens to them and explains its response.

7.3 Ask how safety is maintained beyond the classroom

Where a child attends alternative provision, parents should know **where the child is actually educated**, who provides the education, whom to contact with a concern and how the school continues to oversee the placement. KCSIE says the commissioning school retains safeguarding responsibility and should review the placement at least half-termly, or immediately if a safeguarding concern arises.¹⁷²

Parents may also ask how the school responds to bullying, sexual harm, online incidents or concerns about a child's mental health. The answer should explain the school's process and the support available, without disclosing another child's private information.

7.4 Understand why information may be shared

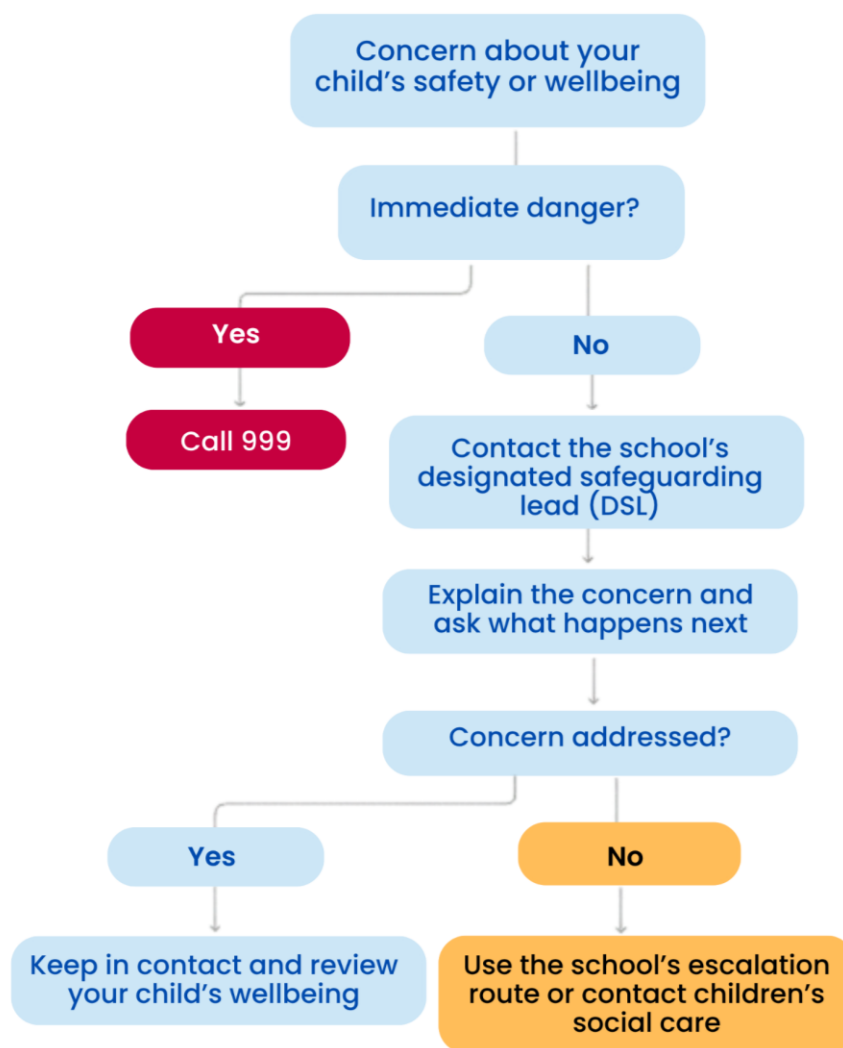
Safeguarding sometimes requires a school to share relevant information with children's social care, health services, another school or other appropriate professionals. **Parental consent is not invariably required** for lawful safeguarding information sharing. From 30 September 2026, the new statutory Information Sharing Duty will apply to organisations within its scope. Sharing must still be relevant, proportionate and handled with care. Schools should be transparent with families where it is safe and appropriate to do so.¹⁷³

If a family believes information is inaccurate or has been shared without proper context, they should be able to raise that concern and ask how the school will check and, where necessary, correct its records.

¹⁷² Department for Education, *Keeping Children Safe in Education 2026*, paras 210–213. [KCSIE 2026](#).

¹⁷³ Department for Education, [Information Sharing Duty: Statutory Guidance for Safeguarding Organisations and Their Practitioners](#) (September 2026), Summary and Chapter 1; Department for Education, *Keeping Children Safe in Education 2026*, paras 140–149.

Figure 7.1. A parent's route through a safeguarding concern



Parents can raise concerns directly with local authority children's social care. The school may need to share relevant information or limit what it can disclose while protecting a child or an investigation. The child's safety remains the priority.

Protect and Teach position

Parents are partners in protecting children. They should receive clear information, be treated with respect and be able to challenge a decision or raise a concern without being dismissed. Schools must also listen to children, respond to actual risks and protect confidential information where necessary.

Transparency and safeguarding should work together, with any exception to parental involvement grounded in the child's individual circumstances and properly recorded.¹⁷⁴

Chapter 7 closing note

Parents should know whom to contact, how the school will consider a concern, and when other agencies may become involved. Schools should involve parents appropriately, explain decisions as far as they lawfully can, and make it straightforward to raise an unresolved concern. For Protect and Teach, meaningful parental partnership rests on clear information, careful judgement and sustained attention to the individual child's welfare.

¹⁷⁴ Protect and Teach analysis drawing on Department for Education, *Keeping Children Safe in Education 2026*, paras 120–124, 140–149 and 268–270. [KCSIE 2026](#).

8. Putting KCSIE 2026 into Practice: A Practical Compliance Checklist

This checklist turns the changes examined in this paper into actions that schools and colleges can assign, check and record. It should be used alongside the full statutory guidance and adapted to the setting's circumstances.¹⁷⁵ The named lead coordinates the work; governing bodies, proprietors and management committees retain their strategic safeguarding responsibilities.¹⁷⁶

Area	Action to check	Suggested lead	Evidence to retain
Policies and reporting	Review the child protection policy, staff code of conduct and reporting routes against KCSIE 2026. Make the child protection policy publicly available and check that staff, children and parents can find the right contact.	Head teacher or principal; DSL	Approved policies, publication link, staff briefing and review date
Staff understanding	Confirm that staff have read the applicable safeguarding information, understand how to report a concern, and know what to do if the DSL is unavailable. Check understanding in practice, rather than relying solely on a signed declaration.	DSL; senior leaders	Induction and training records, staff acknowledgements and assurance checks

¹⁷⁵ Department for Education, [Keeping children safe in education 2026](#), Parts one–five and Annex B.

¹⁷⁶ Department for Education, [Keeping children safe in education 2026](#) (September 2026), Part two, especially paras 83–84.

DSL capacity and cover	Confirm that the DSL has sufficient authority, time and support. Test how concerns are received and acted on during absence, including cover arrangements.	Head teacher or principal; governing body or proprietor	Role description, cover arrangements and evidence of a practical check
Information sharing	Review how staff identify relevant information, assess risk, decide whom to share with, and record the decision and its reasons. Prepare for the statutory Information Sharing Duty, which applies to scenarios arising from 30 September 2026 ; determine how it applies to the organisation and its practitioners. ¹⁷⁷	DSL; information governance lead	Updated procedure, training, decision records and implementation date
Online safety and AI	Review online safety procedures, the use of generative AI, and filtering and monitoring. Ensure the effectiveness review takes place at least once each academic year and that checks cover relevant devices and locations.	Responsible senior leader; DSL; IT support	Review report, test records, identified gaps and completed actions

¹⁷⁷ Department for Education, [Information Sharing Duty: statutory guidance for safeguarding organisations and their practitioners](#) (September 2026), ch 1, para 4.

Safer recruitment and volunteers	Update recruitment procedures and decision aids for the revised regulated activity rules, including volunteers. Check that required vetting is completed and recorded for each role and setting.	Recruitment lead; HR; DSL	Revised procedure, role assessments, check records and single central record review
Concerns about adults	Check that staff know the routes for allegations and low-level concerns involving employees, supply staff, trainee teachers, volunteers and contractors, and that responsibilities with external organisations are clear.	Head teacher or principal; DSL	Policy, contract or placement arrangements, training records and case audit
Harm between children	Test whether reporting routes, staff responses and support arrangements cover harmful sexual behaviour, sexual harassment, sexual violence and the sharing of nude or semi-nude images.	DSL; pastoral lead	Policy, training scenarios, anonymised case review and support plans
Children needing additional support	Check how the setting identifies and responds to young carers and children with SEND, medical conditions or mental health needs. Review whether communication and	DSL; SENCO; relevant pastoral leads	Individual plans, referral pathways, accessibility review and case audit

	reporting routes are accessible to those children.		
Education beyond the classroom	Review safeguarding arrangements for alternative provision, activities on school premises and other settings involving pupils. Confirm who is responsible, what checks have been evidenced, and how concerns and attendance information reach the school.	Senior leader responsible for provision; DSL	Written confirmations, agreements, monitoring records and escalation routes
Board assurance	Agree a small set of safeguarding questions, examine the evidence behind leaders' answers, assign owners and deadlines to gaps, and check that action has improved practice.	Governing body, trustees or proprietor	Minutes, assurance reports and action tracker

The policy and staff checks should be completed as part of implementation, then revisited when incidents, audits or changes in guidance reveal a gap. KCSIE calls for the child protection policy to be reviewed **at least annually**, while the effectiveness of filtering and monitoring should be reviewed **at least once every academic year**.^{178 179}

¹⁷⁸ Department for Education, [Keeping children safe in education 2026](#), Part two, safeguarding policies and procedures.

¹⁷⁹ Department for Education, [Keeping children safe in education 2026](#), Part two, online safety and filtering and monitoring.

Protect and Teach's implementation test: a completed checklist is a starting point for assurance. Leaders and governors should be able to show how a concern reaches the right person, how a decision is made and recorded, how the child and parents are involved where appropriate, and how a discovered weakness leads to a change in practice.

Chapter 8 closing note

The practical measure of compliance is whether safeguarding arrangements work when a child needs them. Clear ownership, records that explain decisions, and regular checks of what happens in practice give schools and governing bodies a sound basis for identifying gaps and acting on them.

Chapter 9 considers what these changes mean for Protect and Teach's wider analysis and recommendations.

9. Protect and Teach Analysis and Recommendations

KCSIE 2026 asks schools and colleges to bring several parts of safeguarding practice into closer alignment: recognising concerns early, making careful decisions about individual children, sharing relevant information, and checking that policies work in practice. Protect and Teach supports that child-centred direction. Its central concern is whether adults can explain and evidence the decisions they make for a child, particularly where a question is complex or contested.¹⁸⁰

9.1 Safeguarding must be grounded in the individual child's circumstances

A policy provides a framework; it cannot determine every child's needs in advance. Staff should listen to the child, examine the available evidence, consider the wider circumstances and record the reasons for significant decisions. This matters where a child has SEND, a medical condition or mental health needs, and where a concern may initially appear less serious than it is. KCSIE's approach requires attention to the child's welfare and to the possibility that different practitioners each hold only part of the picture.¹⁸¹

Protect and Teach recommends that schools test significant safeguarding decisions against four questions:

- What do we know?
- What remains uncertain?
- Whose perspective or expertise is missing?
- How will we review the outcome?

These questions are an analytical aid proposed by Protect and Teach, rather than a prescribed KCSIE procedure.

¹⁸⁰ Department for Education, [Keeping children safe in education 2026](#) (September 2026), Parts one and two.

¹⁸¹ Department for Education, [Keeping children safe in education 2026](#) Part one, paras 1–3; Part two, sections on children potentially at greater risk of harm.

9.2 Parents should be involved through a clear, accountable process

Parents and carers usually have essential knowledge of their child. They should understand how to raise a concern and, where appropriate, be involved in decisions about support. KCSIE expressly gives parental involvement priority when a child questioning their gender requests support with social transition. It also recognises circumstances in which contacting parents first could increase risk and calls for safeguarding consideration before doing so. A child who confides feelings without requesting changes to how they are treated presents a different situation; the guidance does not call for confidence to be broken without a related safeguarding risk.¹⁸²

Protect and Teach recommends that schools explain their approach to parental involvement in accessible language and record the reasons for any significant decision to delay or limit contact. The decision should be reviewed as circumstances change. This supports both family partnership and the child's safety without treating either as an automatic answer to every case.

9.3 Information sharing needs judgement as well as confidence

From **30 September 2026**, the new statutory Information Sharing Duty applies to scenarios arising after its commencement. For organisations and practitioners within its scope, relevant information may need to be shared to help another relevant person safeguard or promote a child's welfare; a particular statutory intervention threshold need not first be met. The duty has limits, including where disclosure would be more detrimental to the child than withholding the information. It does not replace existing safeguarding procedures.¹⁸³

Protect and Teach recommends training built around realistic decisions: what information is relevant, who needs it, what risk sharing or withholding creates, how the decision is recorded, and when it must be revisited. Staff

¹⁸² Department for Education, [Keeping children safe in education 2026](#) Part two, paras 263–274.

¹⁸³ Department for Education, [Information Sharing Duty: statutory guidance for safeguarding organisations and their practitioners](#) (September 2026), ch 1, paras 2–7.

should be able to act promptly while respecting privacy and the child's particular circumstances.

9.4 Safeguarding assurance should examine what happens in practice

KCSIE places strategic responsibility on governing bodies and proprietors. Governors and trustees need enough training and evidence to challenge whether arrangements are effective, including whether staff understand reporting routes and whether concerns reach the DSL when usual personnel are unavailable.¹⁸⁴

Protect and Teach recommends a small, regular programme of assurance based on anonymised case learning, staff understanding, the experience of children and parents, and completion of actions previously agreed. Leaders should be able to identify a weakness, assign responsibility for fixing it and show the board what changed. This is more useful than treating policy approval or training attendance as proof that a system works.

9.5 Education and guardianship should retain their distinct purposes

Protect and Teach's guardianship role is to scrutinise whether policies, materials and practice protect children from harm and from the premature presentation of contested ideas as settled fact. Its educational principle is that pupils should develop knowledge, reason and independent judgement through age-appropriate teaching and open examination of evidence.

In our assessment, safeguarding arrangements should support those aims by protecting children's welfare, respecting their developing understanding and keeping decision-making transparent. Staff should distinguish an established fact, a professional judgement, a legal requirement and an organisation's own position. This distinction is especially valuable when a school considers sensitive educational material or a decision affecting an individual child. KCSIE also expects safeguarding to be embedded across

¹⁸⁴ Department for Education, [Keeping children safe in education 2026](#), Part two, paras 83–87 and 127–131.

school life and provides for safeguarding to be taught through a planned curriculum.¹⁸⁵

Recommendations at a glance

Protect and Teach recommends that schools and governing bodies:

1. **Record the reasoning** behind significant safeguarding decisions, including uncertainty and the plan for review.
2. **Make parental involvement meaningful**, while assessing and recording any reason that contact could increase risk.
3. **Prepare staff for the Information Sharing Duty** through practical examples and clear decision routes.
4. **Test safeguarding systems**, including DSL cover, reporting routes and follow-up, using evidence from practice.
5. **Separate facts, legal duties, professional judgements and organisational positions** when developing policy, educational materials and individual support.

These recommendations express Protect and Teach's assessment. Schools and colleges should apply the statutory guidance and their legal duties to their own setting and to the circumstances of each child.

¹⁸⁵ Department for Education, [Keeping children safe in education 2026](#) Part two, whole school and college approach and opportunities to teach safeguarding.

10. Conclusion

KCSIE 2026 gives schools and colleges a clearer basis for protecting children through early recognition of concerns, informed decisions, appropriate information sharing and stronger oversight. Its value will depend on how those principles are applied to individual children, and whether leaders can show that their arrangements work in practice.¹⁸⁶

For Protect and Teach, **single-sex spaces are a safeguarding requirement, not a matter to be set aside through an individual social transition decision**. KCSIE states that schools must not allow pupils into toilets, changing rooms, or boarding or residential accommodation designated for the opposite sex, with no exceptions. Where single-sex sport is necessary for safety, the guidance likewise says there should be no exceptions. It also provides for suitable individual alternatives where a child does not wish to use facilities designated for their sex, without compromising the safety, privacy or dignity of any child.¹⁸⁷

Protect and Teach **opposes schools facilitating the social transition of children**. This is our organisational position, rather than a blanket prohibition stated in KCSIE. The guidance describes social transition as an active intervention that may have significant effects, acknowledges the lack of good evidence on its long-term impact, and calls for a very careful approach. It expects parents to be involved as a priority when a child requests support with social transition, subject to a safeguarding assessment where contacting them would increase risk. Schools should support a child's wellbeing without assuming that affirmation or a change in how the school treats the child is the appropriate response to distress or uncertainty.¹⁸⁸

These positions require care towards **every** child. A child questioning their gender should be listened to, protected from bullying and offered thoughtful support. The privacy and safety of other children must also be upheld. Decisions should be based on the child's circumstances, relevant evidence, parental knowledge where appropriate, and the school's legal

¹⁸⁶ Department for Education, [Keeping children safe in education 2026](#) (September 2026), Parts one and two.

¹⁸⁷ Department for Education, [Keeping children safe in education 2026](#), Part two, paras 97–100, 107–118 and 276–278.

¹⁸⁸ Department for Education, [Keeping children safe in education 2026](#), Part two, paras 263–275.

and safeguarding duties—not on a predetermined account of what the child’s feelings mean.¹⁸⁹

Protect and Teach’s wider purpose is to guard the conditions in which children can learn and develop independent judgement. That calls for schools to be honest about evidence and uncertainty, clear about the difference between legal duties and professional judgement, and accountable for the practical consequences of their decisions.

The measure of KCSIE 2026 is whether it helps adults protect children well when those decisions are difficult.

¹⁸⁹ Department for Education, [Keeping children safe in education 2026](#), Part two, paras 263–279.

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