

Safeguarding for fostering leaders refresher

Chris Freestone- 16.10.26

Thinking about today

- A confidential space
- Challenge, questions and review
- Look after yourself during the session
- Please leave your cameras on
- If you have to leave please could you let me know
- Actions / areas to develop or confirm to take away



Focus areas

- General updates
- Information sharing guidance 10.9.26 / in place from 30.9.26
- Gender identity guidance
- Fostering standards

Other new information

- Kinship care statutory guidance for local authorities: October 2026

Likely 7 foster carers development standards (year 1)

- Understanding the role.
- Building safe, stable and loving relationships
- Therapeutic parenting
- Identity, culture and the child's sense of self
- Safeguarding and the child's safety
- Health, education and everyday wellbeing
- Working with others around the child

- 7 standards:
- Recruitment, selection and assessment
- Kinship and family and friends foster carers
- Identity, culture and family relationships
- Knowledge and capability
- Support and supervision
- Delegated authority and everyday family life-
- Allegations, concerns and the fair treatment of carers

Children , Schools and Well Being Bill

Key points

Summary- links to safeguarding

Corporate Parenting: The Act broadens corporate parenting responsibilities to ensure children in care and care leavers receive cohesive, joined-up support from local agencies

Care Leaver Protections: It strengthens "Staying Close" support and ensures care leavers are not considered intentionally homeless- could apply to over 18s in the sixth form or FE



Summary links to safeguarding

- Inclusion of childcare and education agencies in safeguarding arrangements-

But still not the 4th partner in law and take up of LA's defining central roles for education is patchy.

- Multi-agency child protection teams for local authority areas

- Information sharing and consistent identifiers.

We know that this remains an issue- case reviews and inquiries continue to identify poor / inconsistent information sharing. Guidance issued 10.9.26- to be discussed

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Summary links to safeguarding

- Free breakfast club provision in primary schools in England
- Food and drink provided at Academies
- Free school lunches: eligibility
- Free school meals : information sharing
- Allergy safety ,allergy safety policy for pupils at schools- in place ? Training completed ? Any concerns or issues?

also links here to well being and inclusion

1st April 2026

- New reasonable force / restrictive intervention guidance – is this now embedded? Are foster carers aware of this ?

Summary links to safeguarding

- Guidance on use of mobile phones etc in schools in England

- Children not in school

Children Not in School Register: The Act introduces a compulsory register for homeschooled children and requires local authority consent to withdraw children in certain at-risk circumstances.

Withdrawal of children from school: local authority involvement

- Registration
- School attendance orders
- Children not in school: processing of information
- Guidance on children not in school and school attendance orders



Summary in relation to safeguarding

- Power to require providers of internet services to prevent or restrict access by children to internet services- lots of discussion at present re. changes to law and imagery if internet service providers don't act

- Age of consent in relation to processing of a child's personal data: information society services.

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Children , schools and well being act 2026

- https://educationhub.blog.gov.uk/2026/05/the-childrens-wellbeing-bill-what-parents-need-to-know/
- https://www.youtube.com/watch?v=Ks-NjxgSRFs IFS podcast – for Interest
- https://www.legislation.gov.uk/ukpga/2026/21/contents- copy of the Bill
- https://www.nga.org.uk/news-views/directory/from-the-commons-to-the-classroom-what-you-need-to-know-about-the-children-s-wellbeing-and-schools-act/
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Crime and Policing Act

2026

Crime and Policing Bill 2026



- Introduces new offences and clear links to safeguarding

Child Criminal Exploitation — New Criminal Offence

Part 4 CPA 2026

LEGISLATION — EXACT WORDING

Part 4 of the Act creates a new standalone offence of child criminal exploitation (CCE):

It is an offence for an adult (aged 18 or over) to engage in conduct towards or in respect of a child (under 18) with the intention of causing the child to commit a criminal offence.

The offence—
- carries a maximum penalty of 10 years' imprisonment, a fine, or both;
- is added to Schedule 2 to the Proceeds of Crime Act 2002 as a 'criminal lifestyle offence' (enabling full asset confiscation);
- entitles victims to automatic 'special measures' when giving evidence (e.g. pre-recorded evidence, screens);
- applies across the United Kingdom.

The Secretary of State must issue statutory guidance on the offence; chief officers of police and the NCA must have due regard to it.

Children may be victims

16,250 episodes where CCE was identified as a concern were recorded in England in the year to March 2025.

Staff recognition duty

Staff should be trained to identify CCE indicators — not just criminal behaviour. A child running drugs or involved in county lines is a victim of this offence, not a perpetrator.

Referral pathway

Where staff identify possible CCE, they should refer to the police and their designated safeguarding lead. The National Referral Mechanism (NRM) is the route for identifying and supporting CCE victims.

Statutory guidance coming

The Secretary of State will issue statutory guidance for police and NCA..

Child Criminal Exploitation Prevention Orders (CCEPOs)

Part 4 CPA 2026

LEGISLATION — EXACT WORDING

Part 4 creates a new regime of CCE Prevention Orders (CCEPOs):

A court may make a CCEPO—
(a) at the end of criminal proceedings (on conviction or acquittal) for a CCE-related offence; or
(b) upon application by police, without a criminal trial.

The order may impose prohibitions and requirements on any adult at risk of committing or recommitting CCE conduct, where necessary to protect children from exploitation.

Examples of restrictions a court may impose—
- contacting specific individuals (directly or indirectly, or by electronic means);
- attending a specific place or area;
- working with children in a specified capacity.

Breach of a CCEPO, or failure to comply with notification requirements, is a criminal offence carrying a maximum penalty of 5 years' imprisonment.

WHAT THIS MEANS

Orders can prohibit contact with your residence

A CCEPO could prohibit a named adult from having any contact with a child in your residence,, attending the address, or making contact by any electronic means — including social media.

Police can apply without conviction

The police can seek a CCEPO even where there has been no criminal trial..

Must notify police of suspected exploiters

If staff identify adults who appear to be exploiting children in or near the residence (county lines contacts, regular callers, older 'boyfriends'), referral to police is essential to enable CCEPO applications.

Cuckooing — New Offence of Home Takeover

Part 4 CPA 2026

LEGISLATION — EXACT WORDING

Part 4 creates a new offence of cuckooing:

It is an offence to exercise control over another person's dwelling without their consent for the purpose of enabling the dwelling to be used in connection with specified criminal activity (including drug offences, sexual offences and offensive weapons offences).

A person CANNOT consent to control of their dwelling if—
- they are under 18 years old;
- they lack capacity to consent;
- consent was obtained by coercion, deception or abusive behaviour;
- they have not been given sufficient information to decide; or
- they have withdrawn consent.

The offence carries a maximum penalty of 5 years' imprisonment on indictment, or a fine, or both.

Control may be exercised through a third party.

WHAT THIS MEANS

Children cannot consent

A child under 18 legally cannot consent to their room or any part of a home being used for criminal purposes. Any such 'consent' is therefore irrelevant — the offence is committed.

County lines link

Cuckooing is strongly associated with county lines drug supply. Young people can be targeted as 'safe houses' for drugs. Staff must be alert to unfamiliar adults visiting, unexplained deliveries, and changes in a child's behaviour or possessions.

Residences themselves can be targeted

The offence applies to any dwelling. If a child’s room is being used by outside individuals for criminal activity — whether with or without staff knowledge — that activity is now a specific criminal offence.

Guidance being published

The Secretary of State will publish guidance for police and operational partners.

Coerced Internal Concealment — New Offence

Part 4 CPA 2026

LEGISLATION — EXACT WORDING

Part 4 creates new offences of coerced internal concealment:

Where the victim is a CHILD—
It is an offence for a perpetrator to intentionally cause a child to conceal a specified item inside the child's body (whether done by the perpetrator, the child, or another person), where the item has been or is likely to be used in connection with criminal conduct.

Where the victim is an ADULT—
It is an offence for a perpetrator to compel, coerce, deceive, or engage in controlling or manipulative behaviour towards an adult, as a result of which the adult conceals a specified item inside their body, where the item is linked to criminal conduct.

Both offences are added to Schedule 2 to the Proceeds of Crime Act 2002 as criminal lifestyle offences.

Victims receive automatic 'special measures' in court proceedings.

WHAT THIS MEANS

What this looks like in practice

Children may be forced to swallow or internally hide drugs ('swallowers' or 'mules'). This causes serious physical harm, including risk of death from overdose if packages leak. Children may present with abdominal pain, anxiety or secretive behaviour.

Medical response is part of safeguarding

Staff must understand the medical risks. A child disclosing or suspected of internal concealment needs immediate medical attention. This is a safeguarding emergency — call 999 and the on-call social worker.

No consent possible for a child

As with cuckooing, a child cannot legally consent to this. Any appearance of 'agreement' is irrelevant. The offence is committed by the adult perpetrator regardless.

Training implication

Staff should be trained to recognise the physical and behavioural signs of internal concealment as part of county lines and CCE awareness training. Record concerns and refer without delay.

Grooming as a Statutory Aggravating Factor in Sentencing

Part 5 CPA 2026

LEGISLATION — EXACT WORDING

Part 5 amends the Sentencing Act 2020:

The Act introduces a new MANDATORY STATUTORY AGGRAVATING FACTOR for child sexual offences:

Where a sentencing court concludes that a child sex offence involved or was facilitated by the grooming of a person under 18, the court must treat this as an aggravating factor, increasing the seriousness of the offence and justifying a longer sentence.

Key features—

- The grooming itself need not be sexual.
- The grooming may be carried out by the offender or a third party.
- It may be directed at the victim of the underlying offence or a third party.
- The factor applies to grooming gangs (where one member grooms and another assaults).
- Courts may also apply it to offences against adult victims where relevant.

WHAT THIS MEANS

Grooming gangs explicitly covered

The provision specifically applies to organised group offending — where one gang member grooms the child and another commits the assault. This directly addresses the exploitation model seen in many county lines and CSE cases.

Grooming happens online and offline

Children may be groomed via social media, gaming platforms or in-person contact. All forms of grooming that facilitate a child sex offence are now captured as an aggravating factor.

Third-party grooming is included

If a child was groomed by someone other than the person who assaulted them — e.g. groomed by an older peer to recruit them — this still triggers the factor for the assaulter.

Impact on victim support

Higher sentences mean longer periods where perpetrators cannot re-offend.

This implements a recommendation of the Independent Inquiry into Child Sexual Abuse (IICSA, 2022).

Mandatory Reporting of Child Sexual Abuse

ss.86–92 CPA 2026

LEGISLATION — EXACT WORDING

Sections 86–92 implement IICSA recommendations:

A new statutory duty requires anyone taking part in REGULATED ACTIVITY relating to children in England to report to the police or local authority if they are made aware a child is being sexually abused — whether by being told about it by a child or perpetrator, or by witnessing the abuse directly.

A report must be made as soon as reasonably practicable. In circumstances involving risk to the life of the child, a report may be delayed for a maximum of 7 days to manage that risk.

Only one report needs to be made per incident.

s.92 — Obstruction offence:
It is a criminal offence to engage in conduct intended to prevent or deter a mandatory reporter from making a report under the duty. Maximum penalty: 7 years' imprisonment.

Failure to report may result in referral to the Disclosure and Barring Service.

WHAT THIS MEANS

Staff are mandatory reporters

If a child tells you they are being sexually abused — at the residence or elsewhere — you must report to police or the local authority.

No more institutional cover-ups

The obstruction offence (up to 7 years' imprisonment) means that a manager or senior leader who tells a staff member not to report, or who delays or discourages a report, commits a serious criminal offence.

One report per incident

Staff can refer to their Designated Safeguarding Lead for an onward report to be made — they do not all have to report independently. But if no report follows, the original reporter remains under the duty.

DBS consequences for non-reporting

Failure to comply with the duty is specified as conduct that may lead to inclusion on the DBS children's barred list — meaning a staff member could lose the right to work with children.

This implements a recommendation of the Independent Inquiry into Child Sexual Abuse (IICSA, 2022).

DBS Enhanced Checks — Supervision Exemption Removed

Part 5 CPA 2026

LEGISLATION — EXACT WORDING

Part 5 amends the definition of 'regulated activity' for DBS purposes:

Previously, the definition of regulated activity excluded roles that were subject to 'day to day supervision', meaning employers could not check whether a supervised worker appeared on the DBS children's barred list.

The Act REMOVES the supervision exemption.

Effect:

- Everyone in a relevant role involving frequent and close contact with children is now eligible for the highest level of DBS enhanced check — regardless of whether they are supervised.
- It is an offence for a barred person to work in one of these supervised roles.
- It is an offence for an employer to knowingly employ a barred person in one of these roles.
- Where a person in a supervised role is removed due to harm or risk of harm to a child, the employer has a LEGAL DUTY to refer them to DBS.

WHAT THIS MEANS

Staff must be checked

Any person working or volunteering in frequent, close contact with children— even if supervised — must now have an enhanced DBS check including a children's barred list check.

Supervised volunteers included

Previously, supervised volunteers (e.g. activity workers, supported internship participants) may not have been eligible for barred list checks. They are now. Review all volunteer and placement arrangements.

Mandatory DBS referral duty

If you remove a staff member or volunteer because of harm or risk of harm to a child — even if no criminal proceedings follow — you must refer them to DBS. Failure to do so may expose the home to regulatory action.

Employer offence for knowingly employing barred persons

If you employ someone in a relevant role knowing they are barred, you commit a criminal offence. Robust pre-employment checks and ongoing monitoring of DBS certificates are essential.

Removal of Time Limits for Child Sexual Abuse Civil Claims

Part 5 CPA 2026

LEGISLATION — EXACT WORDING

Part 5 amends the Limitation Act 1980:

Previously, victims of child sexual abuse had 3 years from their 18th birthday to bring a civil claim for damages. Most victims could not comply with this — they often spend years suppressing memories and do not come forward until much later.

The Act REMOVES the limitation period for personal injury claims brought by victims of child sexual abuse in respect of their own abuse.

In addition, the Act REVERSES THE BURDEN OF PROOF:
Previously, the claimant (victim) had to show a fair trial was still possible.
Now, the DEFENDANT must show that a fair trial is impossible.

This implements two specific IICSA recommendations.

WHAT THIS MEANS

Historical abuse claims now viable

Former residents of children's homes/other victims — including those who experienced abuse decades ago — can now bring civil claims without a limitation defence. Providers should seek legal advice on historic liability exposure.

Institutional liability implications

Where abuse occurred in your organization or predecessor organisations, a civil claim for damages can now be brought at any point. Insurance, records management and complaints handling policies need to reflect this.

Records retention becomes critical

There is no longer a fixed horizon after which records become legally irrelevant in civil abuse claims. Maintain comprehensive, secure records of all safeguarding incidents, investigations and outcomes indefinitely.

Defendant must now argue unfair trial

Historic abuse defendants can no longer rely on victims failing to prove timeliness. The burden is now on your legal team to show that a fair trial is impossible — a much harder threshold to meet.

Online Facilitation of Child Sexual Exploitation & Abuse

s.77 CPA 2026

LEGISLATION — EXACT WORDING

Section 77 creates a new offence of online facilitation of child sexual exploitation and abuse (CSEA):

It is an offence for a person who operates, moderates or administers an online service to facilitate child sexual exploitation and abuse through that service — for example by moderating or administering a website that hosts child sexual abuse material (CSAM).

The Act also addresses AI-generated CSAM:
- Bans AI models specifically optimised to produce CSAM;
- Extends the existing offence of possession of a 'paedophile manual' to cover material instructing how to use AI to generate CSAM.

Additional provisions in Part 5—
- Online grooming: updated and extended to reflect how offenders use technology to make initial contact;
- Child Sex Offender Disclosure Scheme ('Sarah's Law') is placed on a statutory footing.

WHAT THIS MEANS

Children use technology — and so do groomers

Children have access to phones, tablets and gaming devices. Groomers increasingly make initial contact through gaming platforms, social media and messaging apps. Online safety must be built into support , pastoral care and curriculum.

AI-generated CSAM is now illegal to possess

AI tools that produce CSAM are banned. If staff encounter AI-generated images of a sexual nature involving children — on a child's device or anywhere else — this must be treated as a safeguarding concern and reported immediately.

'Sarah's Law' now statutory

The Child Sex Offender Disclosure Scheme is on a statutory footing. Any member of staff or carer with legitimate concern about a person having contact with a child can request a disclosure check from the police.

Device management policies

You should have clear, current policies on device use, internet access and social media. Policies should address how staff respond to concerns about online contact, CSAM on devices, and children disclosing online grooming.

Knife Crime & Serious Violence — Provisions Affecting Young People

Part 2 CPA 2026

LEGISLATION — EXACT WORDING

Part 2 and related provisions strengthen knife crime legislation:

New offence: Possessing a bladed article with intent to cause harm — maximum penalty increased.

New powers for police:
- Power to enter premises without warrant to seize bladed articles.
- Stricter age verification checks for online sale and delivery of knives.
- Retailers must report bulk sales of bladed articles.
- Mandatory reporting of bulk sales of bladed articles by retailers.

Knife Crime Prevention Orders (KCPOs) — strengthened:
- Courts may impose KCPOs on anyone who has been involved in activity related to knife crime.
- Orders may prohibit carrying or possessing knives, attending specified places, and associating with specified individuals.
- Breach is a criminal offence.

WHAT THIS MEANS

Children (especially vulnerable children) are at disproportionate risk

Children who are vulnerable are over-represented in knife crime statistics both as victims and as those carrying weapons. County lines involvement dramatically increases exposure to violence.

Knife Crime Prevention Orders may affect children in your residence

A KCPO can be imposed on a young person who has been involved in knife crime activity. Placement must account for any KCPO conditions — including no-go areas that may affect school or contact arrangements.

Search powers and home searches

Police now have broader powers to enter private premises to search for and seize knives. Staff should be aware that lawful entry and search powers are expanded.

Safer premises policies

You should have clear, regularly reviewed policies on weapons and knives — including in kitchens and shared areas. Any knife incident must be recorded and reviewed as a serious safeguarding matter.

Prevent / radicalisation

Updates

- Prevent Update 2026: Making the right referral | Safeguarding Network
- The Prevent duty: safeguarding learners susceptible to radicalisation - GOV.UK
- Related to making the right referral – three toolkits for DSL s to use
- New CEOP guidance 9.26
- online-harm-groups_professionals.pdf
- Kinship care statutory guidance for local authorities: October 2026
-

Sector updates

- **Youth radicalisation**
- **Youth Diversion Orders**
- Introducing a new youth diversion order (YDO) to disrupt young people involved in terrorist offending at an earlier stage and divert them from the wider criminal justice system, including prosecution.

- Applicable aged 12-21 years in Scotland, 10-21 years in England

Youth diversion orders

- "The introduction of YDOs implements and builds on a recommendation from the Independent reviewer of Terrorist Legislation (IRTL)to introduce a new diversionary civil order to better manage terrorist risk from young people whilst reducing the need for further involvement in the criminal justice system.
- The Act will provide the police with the power to apply to the Youth Court and/or a magistrates' court to impose a Youth Diversion Order on a young person (aged 21 or under) if, on the balance of probabilities, the court assesses there is evidence that the young person has committed a terrorism-related offence or has conducted themselves in a way that was likely to facilitate the commission of a terrorism offence. The court would need to agree that the order, and the measures imposed through it, was necessary and proportionate for protecting the public from a risk of terrorism or serious harm, for example to prevent against a risk of serious violence to others.
- A YDO will enable the imposition of measures to reduce terrorist risk and support the young person away from terrorist ideologies, decreasing the risk of further involvement in the criminal justice system. It will be a criminal offence to breach the conditions of the order, but this should only be considered where there are repeated or serious breaches of conditions, with prosecution for the offence a last resort."

Restrictions could include:

- Mandatory participation in intervention programs (such as the UK's Prevent programme)
- Restrictions on internet access or the types of electronic devices used
- Curfews and electronic monitoring (tagging)
- Prohibitions on who the individual can associate or communicate with
- Travel and geographical restrictions

- UK Parliament Crime and Policing Act 2026 Factsheet.

AI

Companion apps

Companion apps

- Becoming increasingly common and of concern



Overview

- *AI companions present unique challenges beyond social media's known impacts. These systems create the illusion of perfect understanding while potentially isolating teens from human relationships.*
- *The intimacy feels real but exists within programmed parameters — a psychological frontier we're only beginning to understand*

(D. Baird)

- There is a need to ensure that well being is built in from the start
-

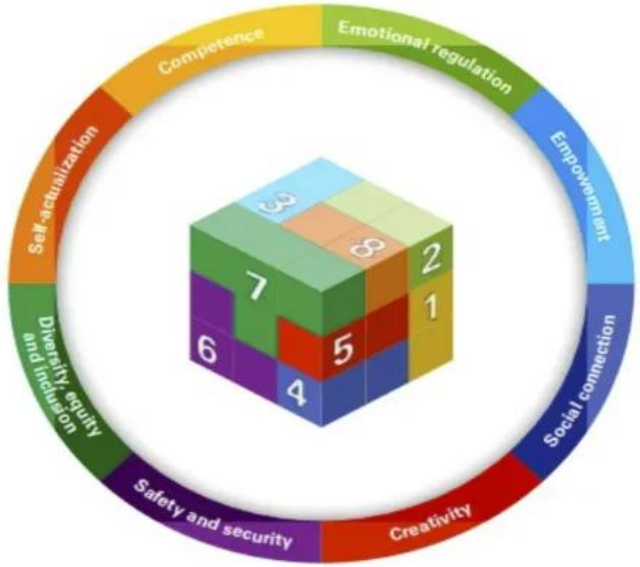
Well-being

WELL-BEING

Competence
Digital play experiences contribute positively towards children's perception of their own competence, knowledge and ability.

Emotional regulation
Children use the digital environment to adjust their mood, relax and regain energy to engage with peers and the world. This includes using digital play experiences to reduce the sense of stress or enter flow-states where they become immersed in a feeling of energised focus, full involvement and enjoyment in an activity.

Self-actualization
Children's digital play provides them with a sense of purpose and improvements in their social engagement and feelings about themselves.



Empowerment
Engaging in digital play should encourage feelings of autonomy, choice and agency in children. Children are able to feel in control and make decisions, and they can attain a sense of mastery and achievement.

Diversity, equity, and inclusion
Digital play experiences need to be diverse, equitable and inclusive to ensure all children of different backgrounds and circumstances can participate. Digital play needs to be accessible for children with disabilities and appropriate in terms of age and culture.

Social connection
The digital environment, including play, should facilitate children's social connection with peers, family or other significant people in their lives and do so in a way that keeps children safe from harm.

Safety and security
Children should both feel safe and be safe while engaging in the digital environment and digital play. This includes safety from a wide range of risks including, but not limited to, contact risks, conduct risks, content risks and contract risks.

Creativity
Children's engagement with digital play should enhance their feelings of curiosity, nurture an openness to new experiences and strengthen their creative ability.

Positives

- Can be fun
- Informative
- Conversational
- Can offer learning opportunities



Risks

- Over reliance
- Emotional attachment
- Inappropriate emotional attachment
- “anthropomorphising” by the child – making the app “human “ in terms of emotion and thinking; giving it a “name”.
- Privacy issues
- Misinformation
- Can lead to exploitation – the generative algorithm approach can lead a child in to “deeper on-line waters.”

Companion apps- thinking ahead

- Is the DSL aware?
- Are teams aware?
- Is information for parents available ?
- Have there been any known issues / incidents in the community?
- Any themes or patterns in the organisation?
- DSL links with other senior leaders ?
- Is the organisation taking a joined-up approach?
- Policy and process amendments



Companion apps-thinking ahead

- Curriculum and learning opportunities- group and individual
- Working with IT
- Training for staff
- Online or face to face training / support for parents / carers
- Risk assessments- cross organisation / school explicit.
-

Working with parents/ working with colleagues

- Age rating and parental controls on?
- Filtering and monitoring recognition ?
- Work with children in an age-appropriate manner to discuss what “private “ means and how to spot and report something which makes them feel uncomfortable
- Have clarity about the difference between AI relationships and real relationships. Children may say that they ARE experiencing a real relationship with an AI app.
- Organisation / residence/ parental awareness of what the child may be using
-

Working with parents/ working with colleagues

- Can parents explore the app together with the child?
- Do parents have an adequate social media/knowledge base?
- Do staff have an adequate social media / knowledge base.?

What may children use?

- **Replika**: An AI chatbot designed to offer companionship and emotional support. However, its open-ended nature may not always be child-appropriate.
- **My AI**: An AI chatbot built-in to Snapchat that answers questions and interacts with users in a conversational style.
- **Character.AI**: An app which lets users create and chat with AI-generated personalities, including fictional characters and celebrities.
- **Kajiwoto**: A platform where users can create and train their own AI companions and chatbots.
- **Gemini / ChatGPT**: While designed for general inquiries, children often use them for entertainment, learning and casual conversation.
- **AI Dungeon**: An interactive storytelling game that uses AI to generate text-based adventures.
- **Talkie**: A platform which allows users to interact with AI-powered characters and voice-based AI companions and chatbots.

Resources/reading/information

- https://www.internetmatters.org/resources/ai-chatbots-and-virtual-friends-how-parents-can-keep-children-safe/
- https://cybersafetyproject.com/wp-content/uploads/2025/08/CSP-AI-Companions-Parent-Tool-Kit-2025.pdf
- https://www.commonsensemedia.org/sites/default/files/pug/csm-ai-risk-assessment-social-ai-companions_final.pdf (American article- interesting read)
- NSPCC
-

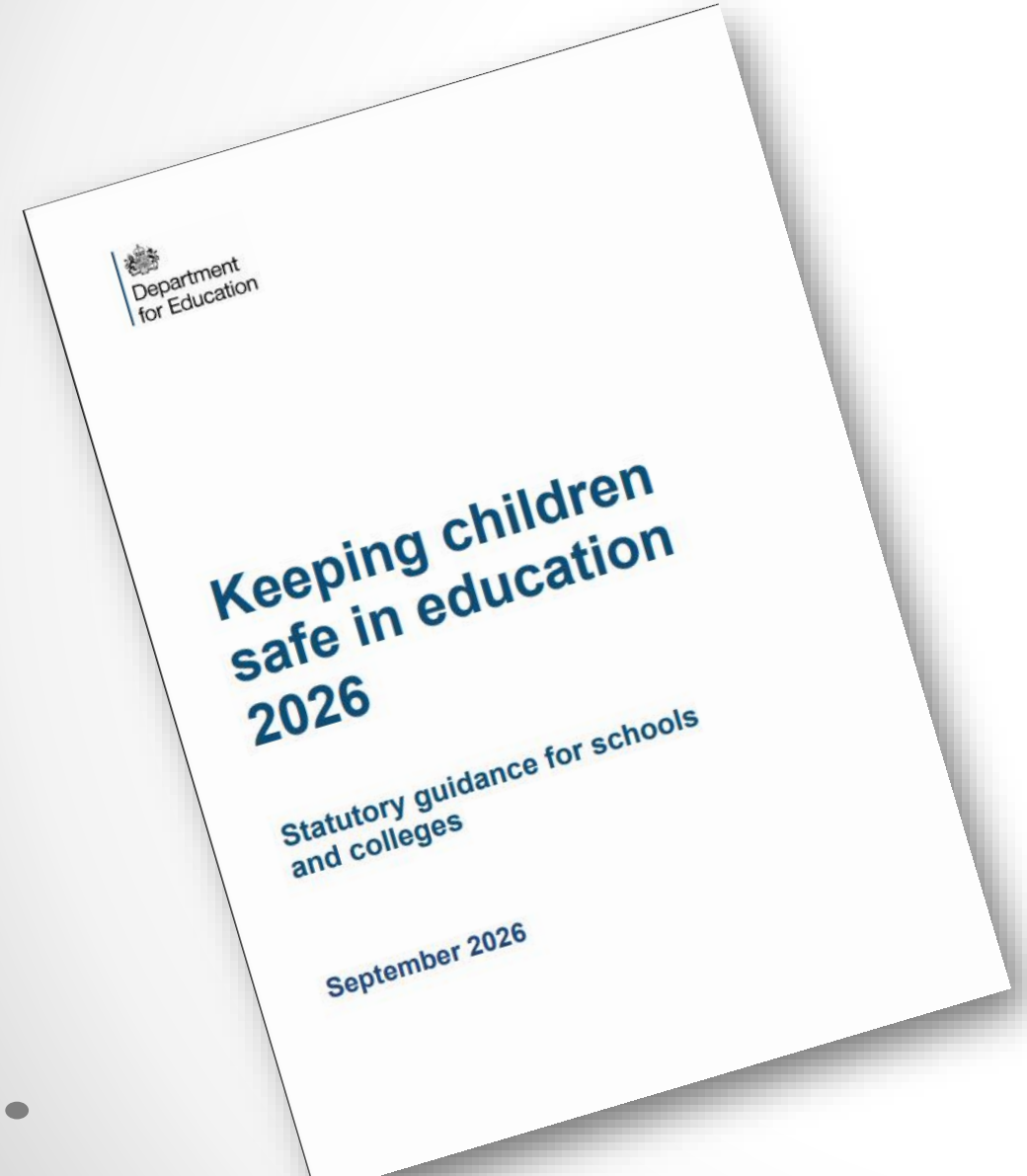
Information sharing duty

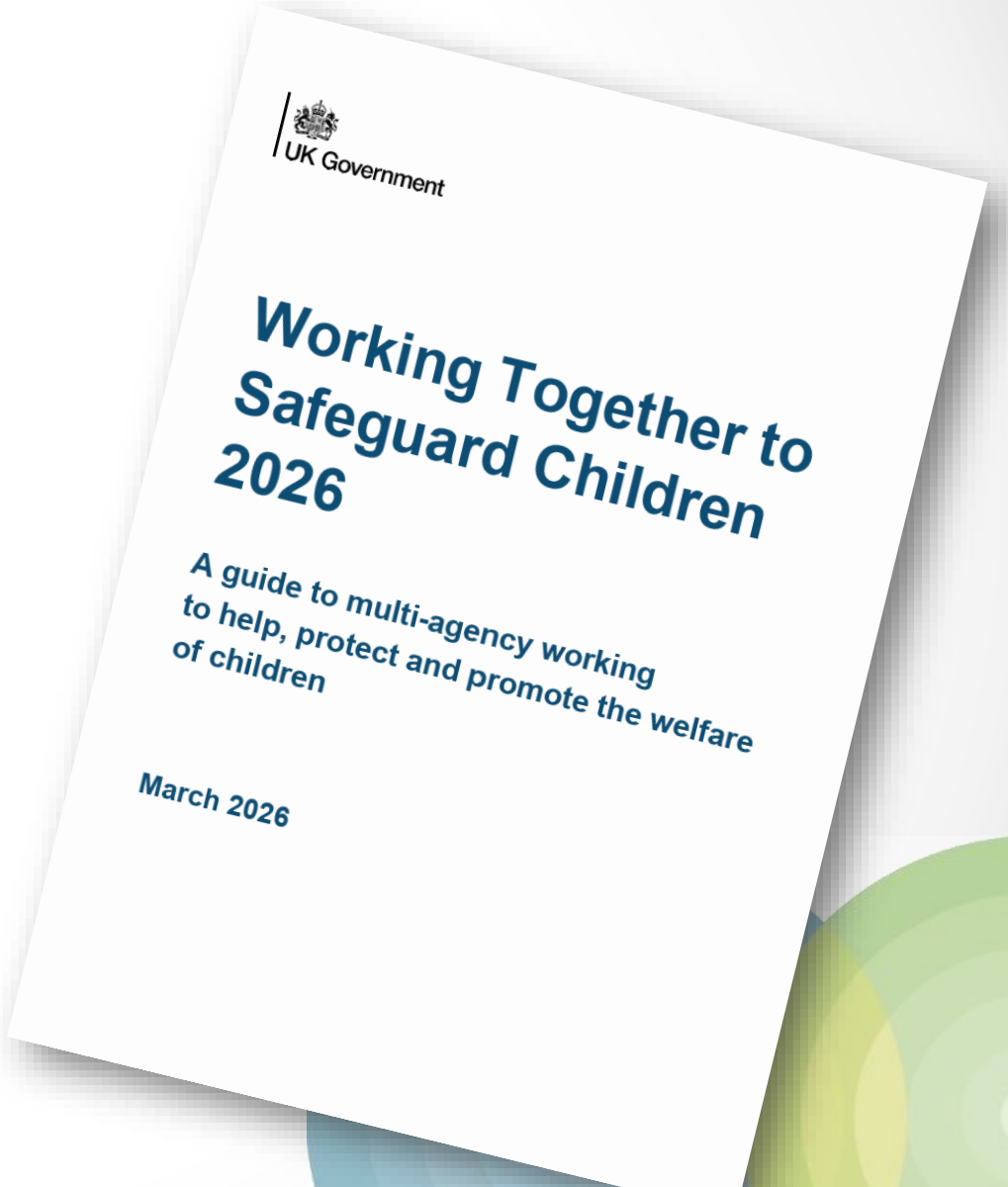
September 2026

Context - legislation

- Amendment to Children Act 2004 (s16LA)
- Children's Wellbeing & Schools Act 2026 enacted 29 April
- Duty published 10 September
- Duty in force 30 September

To be fully aligned with…..





Why?

- Repeated child safeguarding practice reviews highlight information sharing, including the Southport inquiry
- Repeated, over-layered legislation
- Consultation highlighted continuing confusion
- Each practitioner holds a unique view – pieces of jigsaw
- Blocks effective work with families
- Importance of sharing information across agencies to provide holistic response to increasingly complicated problems in society

s4 inserts s16LA into the Children Act 2004:

- If a 'relevant person' holds information about a child or information about another individual that relates to the child, and considers that the information is relevant to safeguarding or promoting the welfare of the child they must ensure that the information is disclosed to another relevant person if they consider disclosure will facilitate that person (or someone they arrange to provide services) to exercise a relevant function, unless it would be more detrimental to the child than not disclosing the information
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Who are “relevant people “ in England

Section 11(1) CA 2004

- children's services, district councils
- Strategic Health Authority, PCT, NHS trust,
- Police and British Transport Police
- Probation and youth offending team
- Prison or secure training centre

- **Others specified**
- **Designated childcare or education agencies (s16E)**
- **Providers for the above services (e.g. dentists, GPs but also services commissioned by LAs)**
- **Any others**
- **Any others should follow the guidance ‘in principle’, paying due regard to common law**



others

- Information must be shared with relevant partners, but can also be shared with others, e.g. charities, community groups, where necessary but in line with guidance
- Ordinarily it will be other way around: partners can require any person, organisation or agency to share specified information
- Practitioners should also consider whether it is safe and practicable to make parents aware of the nature of the concerns. Where organisations do not have powers to do so, they should inform the appropriate organisation that can.

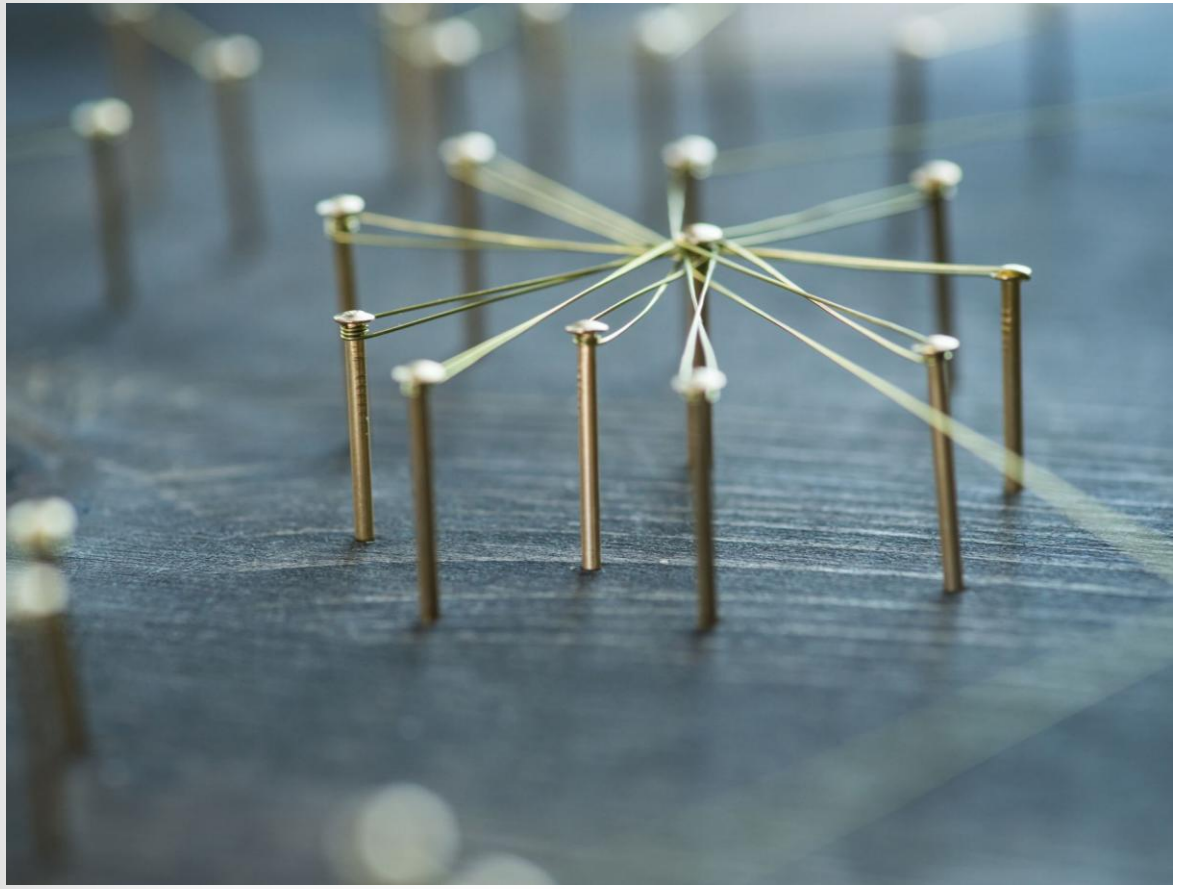
summary

> information must be shared where it is relevant to safeguarding and promoting a child's welfare, including where concerns relate to early help, prevention and unmet need...
>
> This means when practitioners share information, they can now do so with confidence, even where practitioners may have previously been concerned that statutory or local thresholds were not met.

Limitations

- ‘Rare’ exemptions where "sharing information would be more detrimental to the child than not sharing."
- Examples include:
- child would be at immediate risk,
- with a court order; or
- where interfering with a police investigation (but only where that would put someone at risk – ordinarily this information should also be shared and police intelligence also to be shared in “appropriate, proportionate and sanitised (sic) form”.

examples



- Police to provision(college etc)
- School to early help services
- GP to school
- Adult drug services to school
- School to adult drug services
- Probation to children's services
- Mental health services to school
- School to school
- Early years setting to school

Use the rubric when considering disclosure

- Relevance to safeguarding or promoting welfare
- May facilitate the duties of a relevant agency to safeguard, promote welfare, reduce risk child poses to others, assess risks, make decisions, provide support or take safeguarding/welfare action
- Detriment – will it make it worse for a child. What mitigation can be put in place. It would be rare to withhold info.



Sits in an anti discriminatory position

- Framework for anti-racist, anti-discrimination and cultural awareness
- Applying knowledge of faith, beliefs and family cultures that can positively and negatively impact on children

- But… maintain a core focus on the safety & welfare of the child



What else applies

- Common law duty of confidence
- GDPR
- Data Protection Act 2018

> *"Data protection obligations apply and must be complied with – this does not prevent personal information being shared to safeguard and promote the welfare of children. It provides a framework that enables the sharing of information in a fair, proportionate and lawful way."*



Consent seen as a "false choice"

- Article 6(1)(c) 'Legal obligation'
- s16LA is a 'legal obligation' to share information when the criteria are met, so this ground is likely to apply to information shared under the information sharing duty.

- Article 6(1)(e) 'Public task'
- this ground will apply to most public bodies.

- Article 6(1)(ea) 'Recognised legitimate interest' or article 6(1)(f) 'legitimate interests'

- May be appropriate for voluntary and private organisations
-

Data protection principes

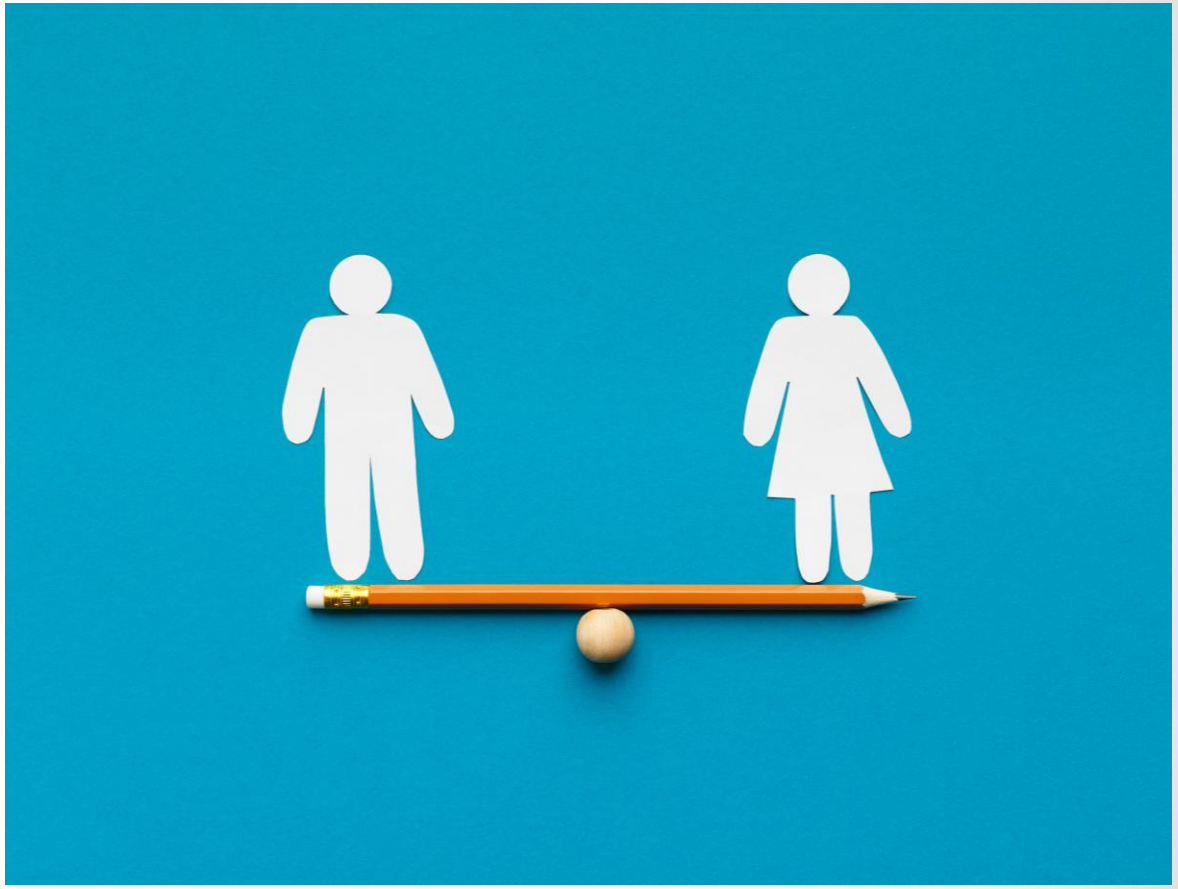
- Criminal offence data and special category data are afforded extra protection, but still may be shared
- DP principles still apply:
- Data minimisation
- Accountability
- Accuracy
- Security
- Transparency



Transparency with families

•When explaining information sharing, practitioners should:

- Explain the purpose of sharing
- Describe what information will be shared and with whom
- Be clear about limits to confidentiality
- Avoid presenting sharing as optional where it is not
- Acknowledge feelings and concerns



Local protocols

- Statutory safeguarding partners are required to make local arrangements and may include relevant agencies (such as schools)
- Each partnership must publish a data sharing agreement
- You don't need a data sharing agreement to share information, the duty still stands



Strategic information sharing

> Where safeguarding partners have agreed, at a strategic level, that certain safeguarding and welfare information is necessary to fulfil their functions, that information may be shared on a regular basis, rather than only in response to individual incidents or referrals. This may include, for example, information about school attendance or patterns of absence including risk of becoming NEET, where partners have identified this as relevant to identifying need, risk or emerging harm

Gender identity questioning

KCSiE guidance 9.26

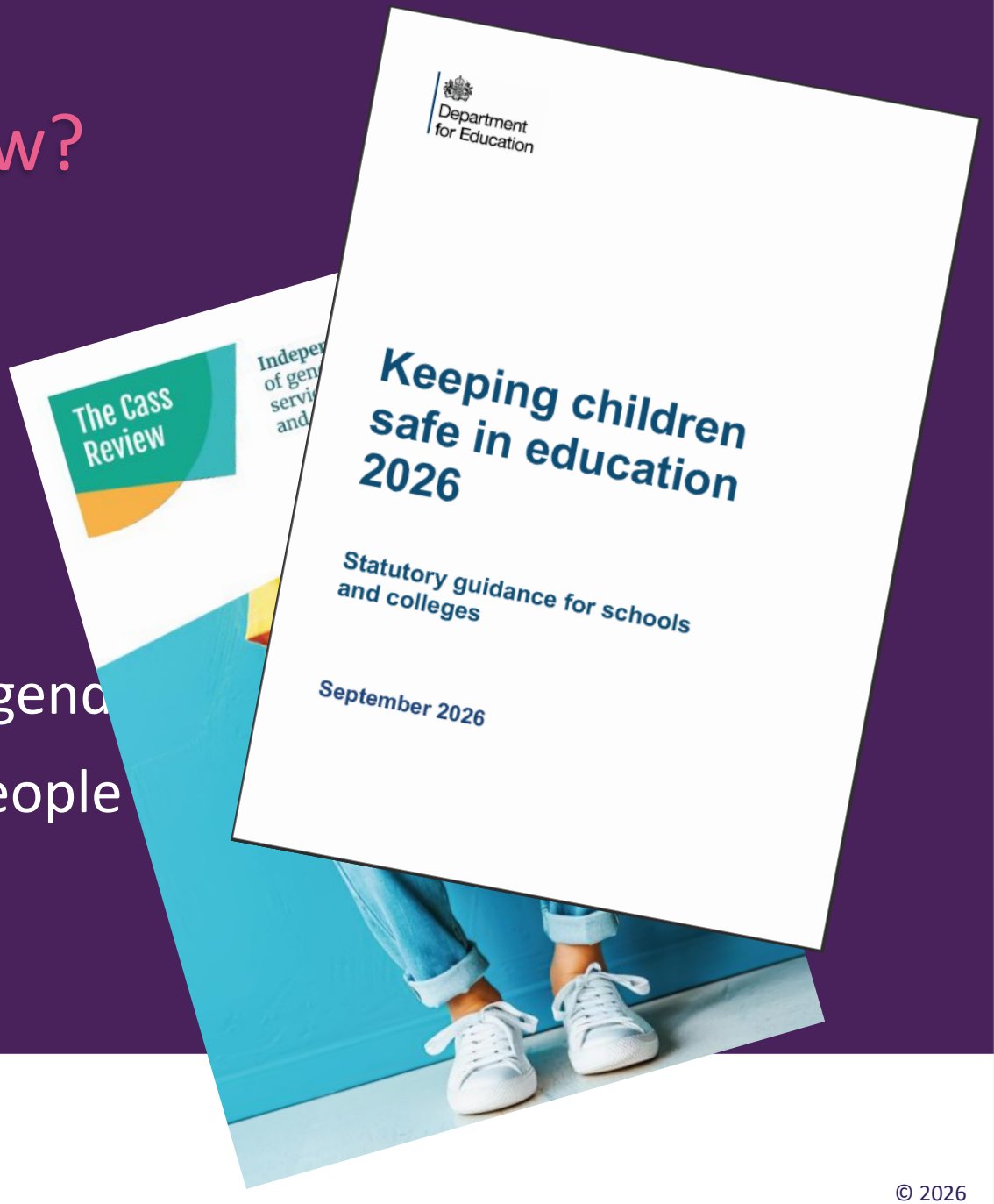
attribution

- SGN webinar aligned to KCSiE .
- This is currently the closest thing to “across the board” child centred guidance which we have and it sits in the mandatory KCSiE framework



Why are we talking about this now?

- Significant changes in KCSiE 2026
- Supreme Court ruling April 2025
- Changing political landscape
- The impact of the Independent review of gend identity services for children and young people the ‘Cass Review’



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Is this a safeguarding matter?



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We have to start from the understanding that this group of children and young people are just that; children and young people first and foremost, not individuals solely defined by their gender incongruence or gender-related distress. We have to cut through the noise and polarisation to recognise that they need the same standards of high-quality care to meet their needs as any other child or young person.

Dr. Hilary Cass
(Independent review of gender identity services for children and young people, 2024)



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A note on language

- Gender-questioning – a broad term used to describe children and young people who are in a process of exploration about their gender.
- Gender incongruence – a marked and persistent incongruence between an individual's experienced gender and the assigned sex.
- Gender dysphoria – significant distress or impairment of function linked to gender incongruence.

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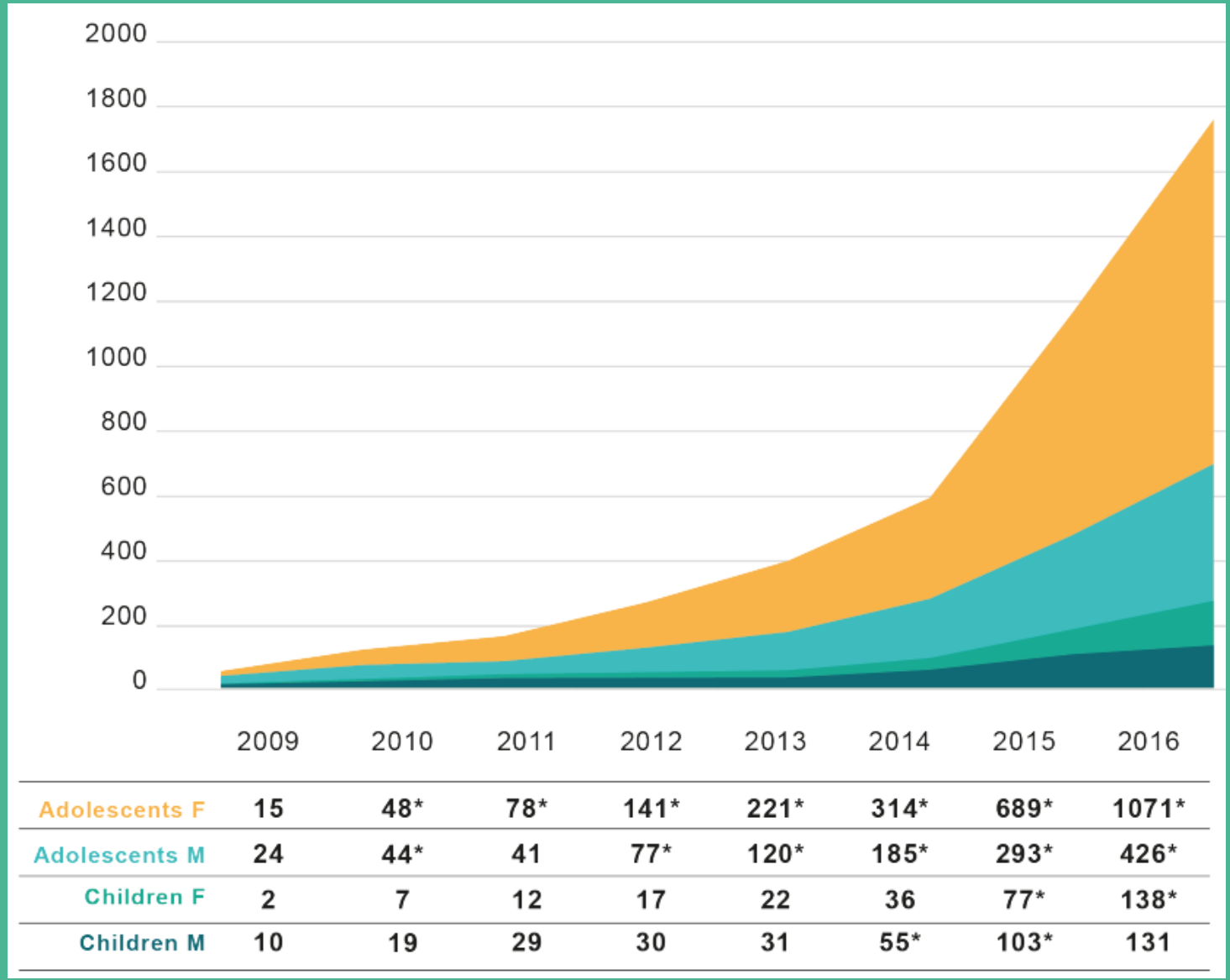
Some numbers …

Numbers of children referred to the UK NHS Gender Identity Clinic between 2009 and 2016.



	2009	2010	2011	2012	2013	2014	2015	2016
Adolescents F	15	48*	78*	141*	221*	314*	689*	1071*
Adolescents M	24	44*	41	77*	120*	185*	293*	426*
Children F	2	7	12	17	22	36	77*	138*
Children M	10	19	29	30	31	55*	103*	131

* Indicates values showing a statistically significant increase on the previous year.

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Isolation and support

ISOLATION

- Bullying, exclusion and minority stress
- Family conflict or loss of support
- Social withdrawal and non-attendance

Refs - 5.43, 10.44, 11.39; App. 3

CONTEXT

“Living in stealth” may involve fear of discovery; in some reviewed cases it accompanied anxiety and withdrawal. Social transition was positive for some.

Refs - 12.12 to 12.17; glossary p.243

SUPPORT

- Trusted, non-judgemental adult
- Supportive family and peer relationships
- Early, joined-up help; reduce barriers to school

Refs - 11.2, 11.8 to11.9, 12.36, 19.19

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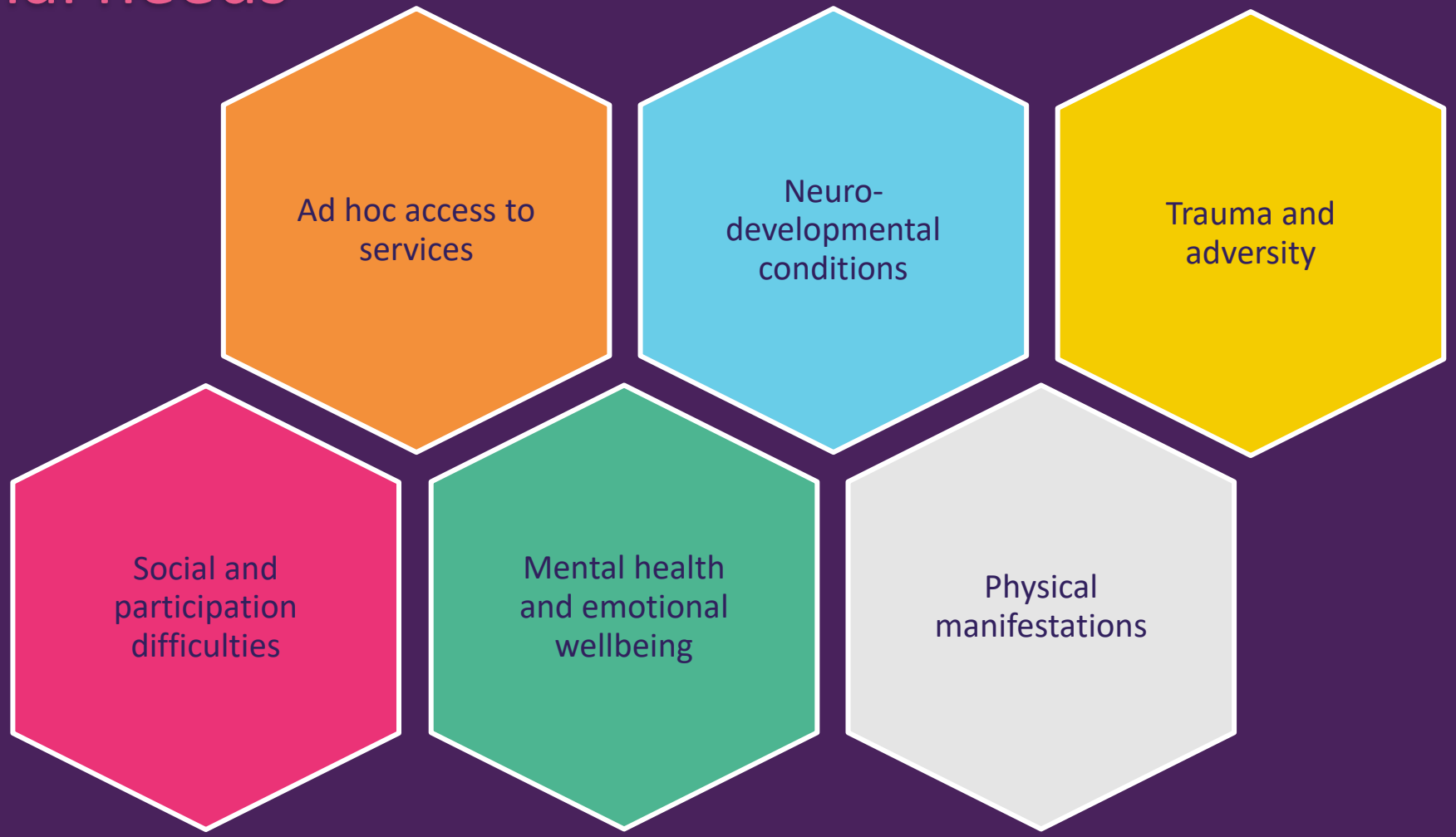
Additional needs



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Neurodevelopmental conditions and developmental differences

ADHD

Additional diagnoses of attention deficit hyperactivity disorder are reported within the referred population. Neurodevelopmental screening is recommended where indicated.

Autism spectrum disorder

Higher rates of autism are reported in referred cohorts. The Review notes that some autistic adolescents, especially girls, may be undiagnosed when presenting with other difficulties.

Communication and belonging

Social communication difficulties, peer-relationship problems and a sense of not fitting in may be relevant for some neurodivergent young people.

Alexithymia

Difficulty recognising and describing emotions can complicate how a young person understands and communicates distress.

Interoception and sensory issues

Difficulty interpreting bodily sensations and sensory changes can contribute to distress, particularly around puberty.

Tolerance of uncertainty

Some neurodivergent young people may prefer definite answers and find uncertainty particularly hard to manage.

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Mental health and emotional wellbeing

Depression

Frequently reported; prevalence in referred cohorts is higher than in the general population.

Anxiety / social anxiety

Includes general anxiety, social phobia and social interaction anxiety.

Eating disorders

Eating disorders and concerns around weight and appetite may coexist with gender-related distress.

OCD

Obsessive-compulsive difficulties are identified among possible co-occurring conditions.

Sleep / concentration / regulation

Issues with mood, emotional regulation, concentration, sleep and appetite are common in adolescents, but prevalence is higher in referred cohorts.

Body dysmorphic disorder

Body-image preoccupation may overlap with or be difficult to distinguish from some forms of gender-related distress.

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Trauma and family adversity

- Neglect
- Physical abuse
- Sexual abuse
- Emotional abuse
- Domestic abuse
- Parental mental ill-health
- Parental substance misuse
- Bereavement / loss
- Parental separation / abandonment
- Parental hospitalisation / illness
- Looked-after experience
- Family stress / breakdown

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Social, educational and participation difficulties

Bullying and abuse

Transphobic bullying, homophobic bullying and other forms of stigma can affect safety, belonging and wellbeing.

Isolation and belonging

Some young people may experience social rejection, difficulty fitting in or withdrawal from peers and everyday activities.

Attendance and achievement

School attendance, educational progress, participation and any SEND needs should form part of the whole-child picture.

Family conflict

Disagreement, relationship breakdown or uncertainty within families may increase distress and reduce support.

Puberty and body changes

Puberty, physical change, sensory experiences and expectations about the body may contribute to distress.

Sexuality and identity

Sexual development and sexual orientation should be considered sensitively as part of adolescent development, not treated as a disorder.

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Tanner stages

	Males	Females
Stage 1	• No major physical changes yet • Brain is starting to signal the body to start making changes	
Stage 2	• Testes begin to grow • Public hair around base of penis	• Breast buds, darker nipple • Small amount of pubic hair
Stage 3	• Penis gets longer • Thicker pubic hair • Wet dreams • Voice starts to change • Muscles get larger • Start of growth in height	• Breast buds increase in size • More pubic hair • Hair under armpits • Acne • Most rapid growth in height • Start to increase fat on hips and thigh
Stage 4	• Testes, penis and scrotum continue to grow, scrotum gets darker • Hair in armpits • Deeper voice • Acne • Most rapid growth in height	• Further breast growth • First period • Growth in height slows • Pubic hair gets thicker
Stage 5	• Testicles, penis, scrotum adult size • Pubic hair spread to inner thighs • Facial hair • Growth in height slows down	• Adult breast size • Periods more regular • Adult height • Hips, thighs, buttocks fill out

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Translating into practice

How should we respond?

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Relevant legislation and guidance

- Equality Act 2010
- Further and Higher Education Act 1992
- Human Rights Act 1998

- Public Sector Equality Duty
- Keeping Children Safe in Education
- School Premises (England) Regulations 2012
- Education (Independent School Standards) Regulations 2014



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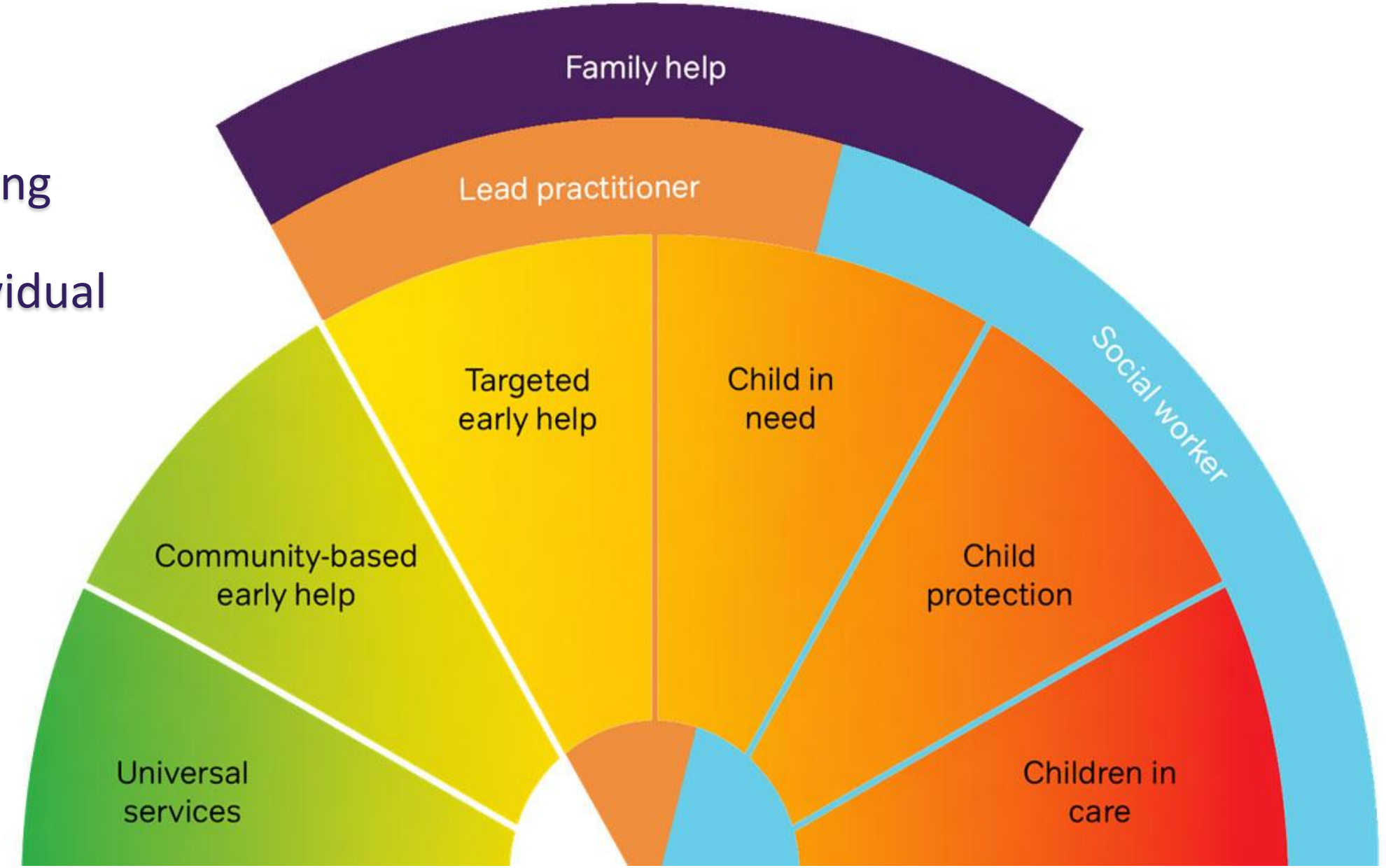
Supporting the individual



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Supporting the individual – social transition

Schools and colleges should not initiate any action regarding social transition.

Keeping Children Safe in Education, 2026 (para 260)

In making decisions about supporting social transition, schools and colleges must comply with their distinct but interacting obligations under safeguarding legislation and equality and human rights law, ensuring that any assessment of discrimination is informed by their evaluation of the welfare and best interests of the child and other children.

Keeping Children Safe in Education, 2026 (para 262)

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Involvement of parents and carers

> … in the vast majority of cases we would expect the school or college to work with parents or carers to determine what is in the best interests of the child.

Keeping Children Safe in Education, 2026 (para 266)

> It is important that the views of the child's parents or carers should carry great weight and be properly considered.

Keeping Children Safe in Education, 2026 (para 268)

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Supporting the individual – social transition (part 2)

- Seen as an active intervention
- Particular caution required in primary schools
- Flexibility should be a feature in planning
- Acknowledge constraints
- Build in space for reviews
- Detransitioning
- Review policies

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Premises

Toilets

- Children should not be allowed in toilets designated for the opposite biological sex.
- Separate toilets for children aged 8 and over.
- No exceptions
- If a child questioning their gender does not want to use the toilet designated for their biological sex, then consideration to be given to providing an alternative without compromising any other children.

Changing rooms and showers

- No child aged 11 or over (at the start of the school year) should undress in front of a child of the opposite biological sex.
- Suitable changing and shower facilities are required for those aged 11 and over at the start of the school year under regulations.
- No exceptions
- If a child questioning their gender does not want to use the area designated for their biological sex, then consideration to be given to providing an alternative.

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Sport

Some sports may need to be played in single-sex groups from a certain age to ensure children's safety, and where this is the case there must be no exceptions. In other cases, schools or colleges may have adopted a policy of single-sex sports for reasons related to fairness.

Keeping Children Safe in Education, 2026 (para 99)

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In summary

Areas with explicit constraints:

Use of toilets / changing rooms or boarding / residential accommodation designated for the opposite sex.

Sport with safety necessities.

Areas requiring proportionality:

Consideration of requests such as changing of names, uniform and other day-to-day arrangements.

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Living in stealth

Used to describe a person who is living as a member of their identified gender without others being aware this is different from their birth-registered sex.

Independent review of gender identity services for children and young people, 2024 (Glossary)



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Any follow up ?

- Questions or queries?
- Thank you-Chris

