



Women & Equalities Committee
House of Commons

Dear Ms Dustin

Guidance: Keeping Children Safe in Education

Please find enclosed correspondence received by me from the Department for Education which is relevant to the Women and Equalities Committee's inquiry on sexual violence and sexual harassment in schools.

I confirm that the Committee has permission to publish the letter if it decides to do so.

Yours sincerely


Louise Whitfield
DEIGHTON PIERCE GLYNN

Enc



FAO Louise Whitfield
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London EC1V 2QA

Your ref:

Our ref:

3 October 2017

Dear Sirs

Statutory Guidance: Keeping Children Safe in Education

We write further to your letters of 30 August 2017 and 18 September 2017 and the Government Legal Department's letter of 14 September 2017.

The Department for Education ("the Department") has considered the information request in your letter and is pleased to provide you with the following responses.

1. Is interim guidance planned?

The Department confirms that it is planning on issuing interim advice concerning peer on peer abuse.

a) What is the time scale for this and what has caused the delay?

Subject to ministerial consent, the Department plans to publish interim advice later this term. In order to provide useful and informed advice, it is important that the Department engages with stakeholders on the relevant issues. As you will appreciate, many of those issues are complex ones. The Department was unable to speak freely with stakeholders during the pre-election period and felt that, without open dialogue with these groups, the quality of the interim advice would be compromised. It was also difficult to engage effectively with stakeholders, particularly education professionals, over the school holiday periods.

b) Who have you consulted and how?

The Department has met face to face with expert organisations and key partners, including representatives from: End Violence Against Women, Rape Crisis, NSPCC, Barnardos, Ofsted, The Association of Directors of Children's Services and the teaching profession. The Department continues to engage with a large number of organisations as it develops the advice, and has found helpful the constructive input it has received on the complex issues being considered.

The Department has also taken into account information gathered from other sources, such as conferences and meetings where the issue of peer-on-peer

abuse has arisen. The views set out in your letter of 30 August will form part of that consideration process.

The Department would welcome any further representations that your client might wish to make to inform the content of the advice as it is being finalised. These could, of course, be submitted anonymously via yourselves.

c) What will the interim guidance cover?

The interim advice will seek to provide practical advice for schools on what they can do to help prevent sexual harassment and sexual violence through their own policies and duties, and on how to manage incidents of peer-on-peer sexual harassment and sexual violence that may occur.

2 Do you intend to amend the statutory guidance?

The Department confirms that it intends to amend the statutory guidance, Keeping Children Safe in Education (“KCSIE”), following a public consultation.

a) If so, when and what has caused the delay?

The statutory guidance KCSIE was last updated in September 2016, following a public consultation between December 2015 and February 2016. This update contained a new peer on peer abuse section.

The Department intended to update KCSIE for September 2017 (including regarding peer on peer abuse) but, due to the need to clarify some unrelated matters covered in the document and the restrictions imposed during the pre-election period, this was delayed.

The Department plans to launch a consultation later this term with the intention to publish a revised version of the statutory guidance, available to schools and colleges for information, in the summer term of 2018 in advance of it coming into force from September 2018. All stages of the process are subject to ministerial approval.

It is good practice for statutory guidance for schools to come into force at the beginning of the school year, in September; and for guidance to be published in the preceding term to give schools time to assimilate it and make any changes to their policies and procedures that may be required. In the meantime, we intend that the interim advice will be available to schools.

b) Who do you intend to consult and how?

Following the recommendations made by the Women and Equalities Committee in its report: ‘Sexual Harassment and Sexual Violence in Schools’, the Department formed an advisory group of specialists in January this year. The advisory group has been contributing to the review of existing guidance, including KCSIE. It is comprised mainly of organisations who submitted evidence to the Inquiry into Sexual Harassment and Sexual Violence in Schools (including End Violence Against Women, Anti-Bullying Alliance, Family Education Trust, Girlguiding, PHSE Association and Ofsted).

In line with previous revisions to KCSIE, the Department will also be conducting a public consultation that will be open to everyone so as to obtain a broad and balanced range of views on the Government's proposals. The consultation will be conducted in line with the Government's published consultation principles. The last public consultation on KCSIE attracted over 300 responses, from schools, colleges, education professionals, charities, pressure groups, parents and students. We invite your client to make representations through that consultation process.

c) What issues will you be consulting on?

We intend to consult on a wide range of issues to strengthen the guidance. The issues will include, but not be limited to, updating the peer on peer abuse section of the guidance.

We trust that you will be happy with the above responses.

We note that you make a number of allegations in your letter. In the circumstances, we do not propose to respond to the allegations contained therein but, for the avoidance of doubt:

- a) the Department for Education does not accept the assertions or allegations made in your letter; and
- b) your letter is not considered to be a letter before claim under the Pre-Action Protocol for Judicial Review and, should you wish to issue proceedings, including in relation to any of the matters raised, compliance with the Pre-Action Protocol would be required.

Yours faithfully

Department for Education