

An explainer guide to the most significant recent laws and guidance relevant to child safeguarding

If you have an interest in child safeguarding, it can't have escaped your notice that there have been A LOT of new items of law and guidance during the past 12 months. Even the most attentive of us might struggle to keep track of what these pieces mean in practice – especially when some propositions have been spoken about for a long time but never actually made it into legislation until now. Here's your guide...

Primary Legislation

Children's Wellbeing and Schools Act 2026

This [Act](#) was probably the most talked about item prior to it gaining royal assent because, as the name suggests, it contains lots of items directly related to schools. Many of the provisions will be led at the Local Safeguarding Children Partnership level, so it's really important that all settings remain engaged with communications in their locality.

- The Act requires childcare and education agencies to be formally included in Local Safeguarding Children Partnership arrangements. This means education should no longer simply be consulted and childcare and education providers should help shape safeguarding strategy and operational decision-making. Although most commentators welcome this more 'official' recognition of education, education has not been made the fourth statutory partner, as advocated by many, including the Children's Commissioner.
- The Act creates Multi-Agency Child Protection Teams (MACPTs). These Teams are intended to complete all Child Protection (Section 47 of the Children Act 1989) work for a child and family, from Enquiry to Initial Child Protection Conference, Core Groups and Review Child Protection Conferences. The Teams should contain social work, police, health and education expertise. The most recent policy paper looking at a revised framework around improving help and protection proposes that every MACPT must include a person with education experience and highlights DSL-level expertise as the model. DSLs in settings will need to understand MACPT decision-making routes, referral thresholds, conference arrangements and escalation routes.
- This Act creates an Information Sharing Duty which applies to (England only), section 11(1) Children Act 2004 organisations, designated childcare or education agencies and providers delivering services related to functions of those named, including GPs. The Duty is to share information relevant to a child's safety and welfare if doing so may help another relevant organisation exercise their function. Function includes to assess risk, make a decision, provide support or take action. The DfE has stated that statutory

guidance on the Information Sharing Duty will be published in September, following the recent consultation (now closed). The guidance will replace the current non-statutory guidance, 'Information sharing advice for safeguarding practitioners'.

- The Act strengthens links between attendance and safeguarding – creating statutory children not in school registers and ensuring that local authority consent must be gained to withdraw from school if the child is subject to Section 47 (Child Protection) processes. Settings should expect greater scrutiny of children leaving roll, increased attention to children missing education and closer working with local authorities over elective home education.
- The Act allows for all children to be given a Single Unique Identifier, a consistent number for use across services, including those used for help and protection. Using Single Unique Identifiers has been piloted in some areas since 2025 and statutory guidance on use of the Single Unique Identifier is planned for this autumn. The use of an Identifier is part of the enhanced information sharing expectations alongside the Duty described above.
Why might children bully others?
- This Act is the law under-pinning the provision of free breakfast clubs in all primaries and expanded free school meals eligibility. These have been heavily trailed prior to becoming law.
- The Act makes Family Group Decision Making a statutory entitlement in most situations when there might be a likelihood of a child entering Care. Education settings often know families well and are therefore likely to become more involved by contributing information before Care proceedings, attending family meetings and helping with aspects of family-led safety plans.

Crime and Policing Act 2026

This new [law](#) focusses on lots of different areas of crime and policing, all of which might have an impact on the children and families we work with in some way, but it also contains many items which will be directly shaping some of our safeguarding practice on-going.

- The first noticeable item in the Act is the mandatory reporting of child sexual abuse. The Independent Inquiry into Child Sexual Abuse published its final Report in October 2022 - mandatory reporting of child sexual abuse was one of the recommendations. Anyone undertaking regulated activity with children must now report child sexual abuse when it is directly reported by a child or perpetrator or witnessed personally. This is separate to the Information Sharing Duty contained in the Children's Wellbeing and Schools Act, described above. It is a criminal offence to obstruct an individual from making a report under the mandatory reporting duty.
- Also linked to the recommendations of the Independent Inquiry into Child Sexual Abuse, this Act makes grooming an aggravating factor in the sentencing of child sexual offences, so that a more substantial punishment may be given to anyone found guilty. The Act also removes the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse.

- This Act creates the criminal offence of Child Criminal Exploitation (CCE). Any adult intentionally causing or encouraging a child to commit criminal offences will themselves be committing a criminal offence. It also creates Child Criminal Exploitation Prevention Orders - orders restricting adults suspected of exploiting children. These Orders are not dependent on a criminal prosecution or conviction but could be used in conjunction.
- Also relevant to criminal exploitation, this Act establishes the criminal offences of 'controlling another's home for criminal purposes' (this practice is often known as home takeover, forced home invasion or cuckooing) and 'causing internal concealment of item for criminal purpose' – it will be against the law to conceal an item inside a person's body or intentionally cause and/or coerce, compel or deceive someone to conceal a specified item within their body for a criminal purpose.
- With regards to Child Sexual Abuse Material (CSAM), this Act outlaws AI models that have been optimised to create CSAM and updates the existing law criminalising 'paedophile manuals' to cover artificially generated CSAM. The Act also makes it a crime to provide, maintain and/or moderate online services (for example websites) which are being used to share child sexual abuse imagery or commit other child sexual abuse offences.
- This Act removes the supervision exemption from regulated activity. From September 2026, supervised volunteers carrying out regulated activity are themselves considered to be in regulated activity and therefore require enhanced DBS checks with children's barred list checks.

Statutory guidance

Keeping Children Safe in Education 2026

The [for-information-only](#) version is out now, and the final version will be statutory from 1 September 2026. This edition contains the most significant changes for several years. Safeguarding Network has a comprehensive guide to this guidance, expert analysis and webinars which you can access for free [here](#).

Relationships and sex education (RSE) and health education (RSHE)

This [guidance](#) was published July 2025 but becomes statutory from 1 September 2026. It had been five years since the statutory RSHE guidance was last updated and it does seem like an update was overdue. It is a positive that the new RSHE guidance covers so many of the safeguarding issues that we work with every day and it is vital that the Designated Safeguarding Lead (DSL) and any other lead (such as mental health/wellbeing lead) has input into the curriculum and the implications of its delivery.

- Primary Education requirements include correct terminology for body parts, including genitalia. Personal safety now covers fire safety, water safety, road and rail safety as well as respectful relationships, boundaries and the risks of sharing information and images online. Primary settings can also choose to discuss the sharing of naked images or online sexual content if it is affecting their students.
- In Secondary Education AI literacy and deepfake awareness are introduced and menstrual and gynaecological health now includes endometriosis and menopause. Knife crime and conflict resolution are added to the curriculum. Suicide prevention is now a required topic, with schools expected to have a safe delivery plan and trained staff.
- As age appropriate, there is a stronger emphasis on tackling misogyny, incel ideology, and the harmful nature of pornography. Financial exploitation is addressed, including scams, fraud, extortion, and sexually motivated extortion (commonly referred to as 'sextortion'). Schools must teach facts and law around LGBT+ topics without endorsing specific views. References to students with SEND are integrated throughout, though the dedicated section is less detailed than in 2019.

Working Together to Safeguard Children 2026

Due to its status and remit, education settings hold Keeping Children Safe in Education as the seminal safeguarding document, but we mustn't forget that [Working Together to Safeguard Children](#) also applies, in its entirety, to all early education and childcare settings, schools, colleges and other education providers.

- This guidance emphasises the importance of inclusive, anti-discriminatory cultures and states that practitioners are expected to challenge racism and discrimination.

- There is strengthened guidance on certain types of harm such as abusive behaviour in intimate relationships, coercive control, child sexual abuse and teenage relationship abuse. Additional content covers abuse towards babies, unborn children and so called 'honour' or faith or belief-based abuse.
- The multi-agency safeguarding arrangements (MASA) have been clarified, including accountability structures and how safeguarding partners are inspected. Data sharing and analysis expectations have been changed, and annual reports must evidence their impact on children and families.
- The sections on providing help, support and protection have been changed, in line with the Families First Partnership Programme and the Children's Social Care National Framework. This work goes alongside some of the changes created by the Children's Wellbeing and School Bill, described above. Education settings will need to participate more actively in Family Help planning, contribute earlier to family assessments and support whole-family approaches.
- The vulnerability of Children in Care in certain settings is recognised as is the and the link between care planning and child protection planning.
- The section on learning from serious child safeguarding incidents has been re-structured to more clearly direct how and when to make timely, accurate and comprehensive notifications and how to engage in the learning process.

Early years foundation stage (EYFS) statutory framework

Both the group and school-based and the childminder framework have [for-information-only](#) versions out now, and the final versions will be statutory from 1 September 2026. Whilst the framework covers all learning, development and care of children, which inevitably covers aspects of health and safety due to the age of the children concerned, the area of safeguarding has definitely been more clearly defined and expanded in this new version.

- All settings must have clear and up to date policies covering absences, whistleblowing, safeguarding, allegations against staff, use of mobile phones/cameras, safeguarding training (including what staff need to know, including indicators of abuse) and safer recruitment procedures.
- All settings must appoint a Designated Safeguarding Lead (DSL), childminders act as the DSL themselves. Responsibilities of the Early Years DSL echo those of the schools and college DSL. All Early Years DSLs need to be trained to a DSL level.
- There are safer recruitment requirements for anyone who has regular contact with children - staff, assistants, managers and household members for childminders. DBS checks must also be completed for anyone living or working on the premises where childcare takes place, even if they do not work directly with children.
- Whilst attendance is not mandatory in Early Years, absence is a recognised risk indicator in the guidance. Settings must have an attendance policy, which is shared with parents

and/or carers. Unexplained or prolonged absences of children need to be followed up in a timely manner and settings should track patterns of child absence

- Supervision of staff is also explained in the guidance. This includes coaching and training, foster a culture of support, teamwork, and continuous improvement. The supervision provided should encourage confidential discussions of sensitive issues such as concerns about children, families, or colleagues and provide opportunities to identify solutions to address issues.
- Appropriate practices around safer sleep and mealtimes is an expectation in the guidance, as is good practice in relation to supporting children's behaviour and emotional wellbeing.

Restrictive interventions, including use of reasonable force, in schools

This [guidance](#) is for schools in England and was effective from April 2026 and it emphasises that leaders and governors need to ensure there is a whole-school approach that aligns with safeguarding, equality and human rights duties, with focus on prevention, monitoring of practice and learning from incidents. Note - Page 14 contains statutory guidance issued under section 93A of the Education and Inspections Act 2006. The rest of this guidance is non-statutory.

- The guidance repeatedly says schools should minimise the need for restrictive interventions by investing in relationships, trust, communication, environmental adjustments, behaviour support planning, de-escalation and staff training. This guidance clearly aligns with a trauma-informed perspective.
- This guidance expects staff to make dynamic decisions considering things like necessity, dignity, proportionality, equality implications, medical/communication/welfare needs and the possible impact of trauma.
- The SEND section of the guidance expects schools to understand triggers and patterns and reduce environmental stressors. Behaviour support plans should be co-produced (children, parents/carers and professionals) and be reviewed after incidents.
- The guidance contains statutory requirements on settings to record significant uses of force and seclusion. Incidents need to be reported to parents/carers as soon as possible and be recorded appropriately. Settings are also expected to learn from every incident and use this knowledge to improve practice.
- This guidance recognises that restrictive intervention affects everyone involved and considers the support settings should offer anyone who has been impacted directly or indirectly.
- This guidance states that where complaints or allegations arise regarding restrictive intervention, schools should follow Keeping Children Safe in Education procedures and this further supports the emphasis in the guidance that restrictive interventions should not be viewed as an isolated behaviour issue, their use sits within the setting's safeguarding, inclusion and welfare responsibilities.

School suspensions and permanent exclusions

This [guidance](#) details the legal responsibilities for all those who suspend (also known as a 'fixed period exclusion') and permanently exclude students from educational settings. This includes headteachers, governing bodies, academy trusts, local authorities and independent panels. The guidance applies to exclusion/suspension from local-authority-maintained schools, academies, free schools and pupil referral units. There is a clear alignment between this new guidance and the safeguarding messages given to us in Keeping Children Safe in Education.

- The guidance recognises that in most circumstances, exclusion is a safeguarding decision as well as a behaviour decision. Some children may become more vulnerable to harm when they are removed from school because education is an important protective factor for them. The DSL should be involved early when exclusion is being considered where there are safeguarding concerns, rather than safeguarding being treated as a separate process after the behaviour decision.
- The guidance addresses situations where one student may have harmed another, directly referencing the guidance in Keeping Children Safe in Education. A school can temporarily separate pupils for safeguarding purposes, but this is distinct from a disciplinary exclusion. Settings will need to distinguish clearly between disciplinary exclusion, safeguarding separation, managing risk to the alleged victim, managing risk presented by (and in some case to) the alleged harming child and the ongoing education and support for both children
- The guidance makes clear that any safeguarding information should follow the child. A move, exclusion or change of provision must not create a safeguarding information gap. Where a student has a social worker, they must be notified without delay when the student is suspended or permanently excluded. For Children in Care, the Virtual Head must also be informed. The same principle applies before an off-site direction or managed move. Relevant safeguarding information, including current risk assessment and risk-management information, must be shared between settings in advance.
- The guidance explains that behaviour incidents should not be considered in isolation from the child's history, experiences and safeguarding context. There is mention of the need for additional and support and reasonable adjustments prior to suspension/exclusion for those children who have a social worker, those who have had previous Care Experience and those who have SEND and or an EHCP. A collaborative approach involving other involved professionals is required.
- The guidance emphasises the importance of education, safeguarding and support work continuing during and after being removed from school. Reintegration should be planned for, with efforts to rebuild belonging, address behaviour and support engagement with education throughout any suspension/exclusion periods. Again, a collaborative approach involving other involved professionals is required.

KCSiE 2026 will come into effect on 1 September 2026.

We've done what we can to make it a bit easier for our members (and everyone else) with guides, [INSET Pack staff presentations](#), webinars, an [Implementation Tool](#) and our [KCSiE Knowledge Check](#), which tests participant knowledge of part one of Keeping Children Safe in Education - all updated to be in line with the new guidance and ready to roll at the start of term. If you're not already a member, [join](#) today for immediate access.