

Issue 4 - Safeguarding

# AWARE

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# Contributor

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# Welcome

Welcome to another edition of the Keoghs Safeguarding Aware newsletter. In this edition, we are pleased to present a collection of articles covering a variety of topics, including:

Lauranne Nolan, Associate and Safeguarding lead, provides an update in relation to the mandatory reporting of child sexual abuse duty and the sanctions for failing to report, which is being introduced as part of the Crime and Policing Bill. Lauranne also considers phase two of the Online Safety Act and the new duties that have come into force.

In addition, Lauranne considers the government's updated guidance for relationships, sex and health education in schools and Keeping Children Safe in Education 2025. The final report prepared by the Lucy Faithfull Foundation 'Everyone's Safer' is also summarised.

We hope you find the newsletter's contents informative and helpful. If you would like to discuss any of the articles or their implications, please do not hesitate to contact our Safeguarding Lead, Lauranne Nolan.

For more updates be sure to listen to our Safeguarding Matters podcast, which can be found here alongside a range of other podcasts across Davies.

Safeguarding Matters

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# Crime and Policing Bill – Mandatory reporting and legislative scrutiny

The Crime and Policing Bill ('the Bill') was published on 27 February 2025. It is currently awaiting its second reading in the House of Lords, with the date yet to be scheduled. The Bill has now undergone legislative scrutiny by the Joint Committee on Human Rights who have made some comments on a number of proposals contained within the Bill. Lorraine Nolan, an Associate and the Safeguarding Lead in the Specialist Abuse Team at Keoghs, considers the findings and comments in relation to the Mandatory Reporting Duty ('the duty').



## A brief recap

Mandatory reporting was one of the centrepiece recommendations from the final report of the Independent Inquiry into Child Sexual Abuse (IICSA) published in October 2022. In April 2023, the then Home Secretary announced that the Government would seek to deliver a mandatory reporting regime that would be informed by a full public consultation.

Since then, there has been a call for evidence on the implementation of such a duty and a consultation setting out the proposals for delivering the duty and to test the remaining undecided policy questions. The main areas that caused split opinion were whether or not it should be a criminal offence for failing in the duty to report, and what the other alternative punishments could be. There was also a difference in opinion about what should be reported.

Finally, after all the above, the government issued its full response to the call for evidence and consultation, confirming that the duty would be introduced through amendments to the Criminal Justice Bill which, at that time, was at the Commons Report stage. However, a general election was then called, which meant that the Criminal Justice Bill did not complete its passage through Parliament in time and did not become an Act.

Following the King's Speech on 17 July 2024 and the convening of a new government and Parliament opening, it was indicated that the duty would be introduced at Chapter 2 Part 5 of the Crime and Policing Bill.

## The duty

Under the duty, a person aged 18 years or over who is involved in a relevant activity relating to children in England (i.e. any activity that involves teaching, training, looking after children or having unsupervised contact with them) will be required to report suspicion of child sexual abuse to the police or social services, if that suspicion arises from certain circumstances.

### The Bill proposes that the requirement to report applies:

- where an individual witnesses a child sex offence;
- where they see an image or hear an audio recording of a child sex offence;
- where a person (A) communicates something that would cause a reasonable person to suspect that A may have committed a child sex offence; and
- where a child communicates something that would cause a reasonable person to suspect a child sex offence may have been committed.

The Bill would not require reporting in any other circumstances, for example when an adult brings the information forward.



## Sanctions for failing to report

**The Bill proposes to make it a criminal offence for a person who knows that someone is under a duty to report to “engage in any conduct with the intention of preventing or deterring that person from complying with that duty”.**

The Bill does not include a criminal offence of failing to report. Instead, the Bill would amend the Safeguarding Vulnerable Groups Act 2006 so that “failing to comply with the duty to report is a behaviour that should be considered relevant for considering inclusion on the children’s barred list maintained by the Disclosure and Barring Service”. The effect of the Bill’s amendment to the Safeguarding Vulnerable Groups Act 2006 would mean a duty to make a referral to the DBS would apply to regulated activity providers (i.e. employers or volunteer managers of those working directly with children) and personnel providers (e.g. employment agencies supplying those who work with children) where, as a result of a failure to comply with the mandatory duty to report suspicions of child abuse, they have withdrawn permission for someone to carry out, or moved them out of, regulated activity. Interestingly, failing to comply with this duty to refer to the DBS is a criminal offence.

## Comments and recommendations from the Joint Committee on Human Rights

The Committee has reiterated that the introduction of the duty is welcomed and represents an important step forward for the safeguarding and protection of children. However, concerns have been raised that the scope of the duty and the consequences of breaching that duty may not do enough to provide effective protection against child sexual abuse. The Bill on its current drafting risks a failure to comply having little or no consequence. This could undermine the efficacy of the duty.

The Committee has recommended that the government keep under review the efficacy of the duty once it is in place, with a view to expanding its scope if necessary. The government should also reconsider the consequence of failing to comply with the duty to report child sexual abuse, so that it operates as an effective deterrent.

## Keoghs comment

The introduction of the duty is clearly going to be an important milestone in safeguarding and child protection, however there is a real risk that despite the significant amount of time it has taken to reach this point, the duty will not provide as much benefit or protection as initially hoped.

Further criticisms of the proposals are that, under the circumstances where the duty would apply, it would actually be rare for the duty to be triggered given that there is clear evidence that most children do not or cannot disclose their abuse. In addition, IICSA was unable to document any examples where a perpetrator

disclosed their abuse. Finally, the consequences for a person failing to report depends on referrals being made by employers, managers or personnel providers who may be under pressure to protect reputation.

We will of course keep you updated of any further developments on this issue.



# Online Safety Act

The Online Safety Act 2023 (the Act) intends to protect children and adults online. It creates a range of new duties for social media platforms and technology companies by making them legally responsible for the content they host as well as user safety on their platforms. The implementation of the Act is being rolled out in three phases, with the most recent duties coming into force on 25 July 2025. Lorraine Nolan, Associate Solicitor and Safeguarding Lead in the Keoghs Specialist Abuse Team, considers the newest duties further.



## ► What has come into force?

On 25 July 2025, phase two of the Act came into force. This was a pivotal date for the Act as key provisions around child safety obligations took practical effect. Companies and platforms are now required to use effective age assurance to prevent children from accessing pornography and material that promotes or encourages suicide, self-harm, and eating disorders. The Act instructs that this content must be kept off children's feeds entirely.

Platforms will also have to suppress the spread of other forms of material that are potentially harmful to children, including the promotion of dangerous stunts, encouraging the use of harmful substances, and enabling bullying. They must also provide parents and children with clear and accessible ways to report problems online when they arise.

## ► How will the measures be enforced?

Ofcom can deploy a range of punishments under the Act if companies do not comply. Companies can be fined up to £18 million or 10% of global turnover for breaches, whichever is larger. Sites or apps can also receive formal warnings and enforcement notices from Ofcom. For extreme breaches, Ofcom can ask a court to prevent the site or app from being available in the UK.

Criminal action can be taken against senior managers who fail to ensure companies follow information requests from Ofcom. Ofcom will also be able to hold companies and senior managers (where they are at fault) criminally liable if the provider fails to comply with Ofcom's enforcement notices in relation to specific child safety duties or for child sexual abuse and exploitation on their service.

## ► What are the recommended safety measures?

To implement the new duties and standards to be complied with, the Act requires companies and platforms to adhere to guidance and Codes of Practice that have been drafted and developed by Ofcom, the appointed safety regulator. Safety measures under the codes of Practice for this phase include:

- algorithms that recommend content to users must filter out harmful material;
- all sites and apps must have procedures for taking down dangerous content quickly; and
- children must have a "straightforward" way to report concerns.

## Comments

The technology secretary, Peter Kyle, said that the new Ofcom codes should be a "watershed moment" that will turn the tide on "toxic experiences on these platforms".

However, the Molly Rose Foundation, a charity established by the family of British teenager Molly Russell – who took her own life in 2017 aged 14 after viewing harmful content online – said the measures did not go far enough and that they were overly cautious. It has called for additional changes such as blocking dangerous online challenges and requiring platforms to proactively search for, and take down, depressive and body image-related content.

## ► How does age verification work?

Age assurance measures supported by Ofcom include:

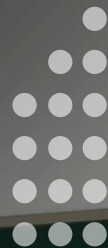
- facial age estimation, which assesses a person's likely age through a live photo or video;
- checking a person's age via their credit card provider, bank or mobile phone network operator;
- photo ID matching, where a passport or similar ID is checked against a selfie; and
- a "digital identity wallet" that contains proof of age.

## Keoghs comment

The third phase of the Act relates to transparency, user empowerment and other duties on categorised services; an exact date for the rollout of this phase has not yet been set but is stated to be early 2026. As with the first two phases, the third will be driven by the requirements of the Act and relevant secondary legislation.

The fact remains that the Act is a significant piece of legislation with the UK being one of the first democratic countries to impose such strict content controls on technology companies and social media platforms, making it a test case that will be scrutinised around the world – with technology continuing to develop at a fast pace, it is imperative that the Act remains effective.





# Relationship, Sex and Health Education ('RSHE'): Updated guidance

The Government has published updated guidance for relationships, sex and health education ('RSHE') in schools. It is hoped that the guidance will assist schools and teachers to navigate the challenges they face in dealing with these issues and provide them with the right tools to support children. Lorraine Nolan, Associate Solicitor and Safeguarding Lead in the Keoghs Specialist Abuse Team, has considered the guidance further and sets out a summary of what areas should be covered below.

The guidance contains information on what schools should do and sets out the legal duties that schools must comply with. Schools can choose to begin following the guidance from the new school year, in September 2025 - it must be followed from September 2026.

### The guidance is aimed at:

- governing bodies of maintained schools (including schools with a sixth form) and non-maintained special schools;
- trustees or directors of academies and free schools;
- proprietors of independent schools (including academies and free schools);
- management committees of pupil referral units (PRUs);
- teachers, other school staff and school nurses;
- head teachers, principals and senior leadership teams;
- diocese and other faith representatives; and
- relevant local authority staff, for reference.

### The guidance

The guidance sets out that there are clear safeguards to ensure teaching remains age-appropriate and that parents can view all curriculum materials on request. Parents also have the right to request that their child be withdrawn from some or all of sex education delivered as part of statutory RSHE. If such a request is made, then this should be documented.

## Primary school

**The approach in the guidance is that learning should start early with the aim to put in place the key building blocks of healthy, respectful relationships, focusing on family and friendships, in all contexts, including online.**

This starts with pupils being taught about what a relationship is, what friendship is, what family means, and who the people are who can support them. Pupils should also be taught how to treat each other with kindness and respect, the importance of honesty and truthfulness, and the concept of personal privacy.

Establishing personal space and boundaries and understanding the differences between appropriate and inappropriate or unsafe contact provides the foundation for being taught about consent, which takes place at secondary level.

**By the end of primary school, pupils should know (the below is a summary and not the full list):**

- ✓ that families are important for children growing up because they can give love, security and stability and that other families may look different to their family, but these differences should be respected;

- ✓ how to recognise if family relationships are making them feel unhappy or unsafe and how to seek help or advice from others if needed;

- ✓ how to recognise and report feelings of being unsafe or feeling bad about any adult;

- ✓ about different types of bullying (including cyberbullying), the impact of bullying, the responsibilities of bystanders and how to get help;

- ✓ the rules and principles for keeping safe online, how to recognise risks, harmful content and contact, and how to report them;

- ✓ how information and data is shared and used online;

- ✓ that people sometimes behave differently online, including by pretending to be someone they are not;

- ✓ about the benefits of rationing time spent online, the risks of excessive time spent on electronic devices and the impact of positive and negative content online on their own and others' mental and physical well-being;



- ✓ why social media, some computer games and online gaming, for example, are age restricted;

- ✓ that the Internet can also be a negative place where online abuse, trolling, bullying and harassment can take place, which can have a negative impact on mental health;

- ✓ about the concept of privacy and its implications for both children and adults, including that it is not always right to keep secrets if they relate to being safe;

- ✓ that each person's body belongs to them, and the differences between appropriate and inappropriate or unsafe physical, and other, contact;

- ✓ what constitutes a healthy diet and the characteristics of a poor diet and risks associated with unhealthy eating and other behaviours (e.g. the impact of alcohol on diet or health);

- ✓ the facts about legal and illegal harmful substances and associated risks, including smoking, alcohol use and drug-taking;

- ✓ how to make a clear and efficient call to emergency services if necessary and the concepts of basic first aid;

- ✓ key facts about puberty and the changing adolescent body, particularly from age 9 through to age 11, including physical and emotional changes;

- ✓ that there is a normal range of emotions (e.g. happiness, sadness, anger, fear, surprise, nervousness) and scale of emotions that all humans experience in relation to different experiences and situations; and

- ✓ about menstrual well-being, including key facts about the menstrual cycle, how to report concerns or abuse, and the vocabulary and confidence needed to do so.



# Secondary School

RHSE at secondary school aims to build on the knowledge acquired at primary school and should develop further understanding of health, with an increased focus on risk areas such as drugs and alcohol, as well as introducing knowledge about intimate relationships and sex and lessons focused on

understanding consent. In addition, they will learn to identify positive role models and understand how to challenge harmful attitudes they might encounter online as well as learn about building resilience and managing everyday mental health challenges

**Schools should continue to develop knowledge on topics learnt in primary school as well as covering the following content by the end of secondary school:**

- ✓ that some types of behaviour within relationships are criminal, including violent behaviour and coercive control;

- ✓ what constitutes sexual harassment and sexual violence and why these are always unacceptable;

- ✓ about online risks, including that any material someone provides to another has the potential to be shared online and the difficulty of removing potentially compromising material placed online;

- ✓ what to do and where to get support to report material or manage issues online;

- ✓ that specifically sexually explicit material, e.g. pornography, presents a distorted picture of sexual behaviours, can damage the way people see themselves in relation to others, and can negatively affect how they behave towards sexual partners;

- ✓ that sharing and viewing indecent images of children (including those created by children) is a criminal offence which carries severe penalties including jail;

- ✓ the concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, forced marriage, honour-based violence and FGM, and how these can affect current and future relationships;

- ✓ how to recognise the characteristics and positive aspects of healthy one-to-one intimate relationships, which include mutual respect, consent, loyalty, trust, shared interests and outlook, sex and friendship;

- ✓ key facts about puberty, the changing adolescent body and menstrual well-being, including facts about reproductive health, fertility, and the potential impact of lifestyle on fertility for men and women, as well as menopause and how to get further advice, including how and where to access confidential sexual and reproductive health advice and treatment; and

- ✓ building on knowledge of first aid and the basic treatments for common injuries by learning life-saving skills, including how to administer CPR as well as the purpose of defibrillators and when one might be needed.

## The following is new content for secondary schools included in the guidance:

- + staying safe in public spaces, to match staying safe online, so young people know how to increase their personal safety in public spaces, build confidence in trusting their instincts, and learn ways to seek help;
- + financial exploitation; and
- + positive conceptions of femininity and masculinity.

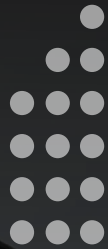
## Comment

The aim of this type of education is to give young people the information they need to help them develop healthy, nurturing relationships of all kinds, not just intimate relationships. It should enable them to know what a healthy relationship looks like and what makes a good friend, a good colleague, and a successful committed relationship. It should also give them the knowledge to recognise and report abuse, including emotional, physical and sexual abuse involving themselves and/or others, and when issues arise they should know how to seek support as early as possible from appropriate sources.



# Keeping children safe in education ('KCSIE') 2025

Keeping children safe in education ('KCSIE') 2025 has been published for information purposes only. The guidance was published in July 2025, later than expected, and there has been no explanation for the delay. The delay has caused some understandable concern with safeguarding leads as the previous government stated that the 2025 version would be "substantively updated". Lauranne Nolan, Associate Solicitor and Safeguarding Lead in the Keoghs Specialist Abuse Team has considered the guidance further.





## ► The guidance

As always, the guidance sets out what schools and colleges in England must do to safeguard and promote the welfare of children and young people under the age of 18. It is directed at:

- governing bodies of maintained schools, nursery schools and colleges;
- proprietors of independent schools and non-maintained special schools;
- management of committees of pupil referral units (PRUs); and
- senior leadership teams.

The guidance is updated annually and replaces previous editions. As stated above, the indication given was that the 2025 edition would contain a significant number of changes. This was as a result of a Call for Evidence on safeguarding practice which closed in June 2024 – any outcomes from that Call for Evidence expected to be incorporated this year. The delay to the KCSIE 2025 guidance has caused many schools to feel that they are being put in an impossible position to ensure any changes are in place for the start of the new school year.

## ► The changes

Despite the early indications that KCSIE 2025 would contain significant changes, there are only minor alterations to the guidance. There have been some technical changes, such as updates to links and name changes for organisations as well as new paragraph numbers, so it is important in the first instance to check your policies to make sure they are still correctly referenced.

### **There are several reasons why the 2025 guidance does not have many changes, such as:**

- It was expected that the government call for evidence on safeguarding practice, which closed in June 2024, would create a significant revision to KCSIE 2025, but the findings were never published.
- The 2024 general election is thought to have paused or reset several Department of Education timelines, which in turn would have affected the input into KCSIE 2025.
- The Crime and Policing Bill and the Children's Wellbeing and Schools Bill – two major pieces of legislation that contain measures that would impact KCSIE guidance – are still progressing through parliament.

The final version will be published on 1 September 2025, and the Government expects that this will include revised guidance for Relationships, Sex and Health Education (RSHE) (it is anticipated this will be inserted in the “opportunities to teach safeguarding” section) and gender questioning children; as a result there may be some further changes to paragraphs.





## Some changes to note are set out below:

### ► Online safety

The 2025 guidance adds disinformation, misinformation and conspiracy theories to the list of content risks under online safety. Disinformation is the deliberate creation and spreading of false or misleading content, such as fake news, whereas misinformation is the unintentional spreading of this false or misleading content.

### ► Filtering and monitoring

KCSIE 2025 includes a link to the Department of Education guidance: "Generative AI: product safety expectations". This provides guidance on generative artificial intelligence, explains how filtering and monitoring requirements apply to the use of generative AI in education, and supports schools to use generative AI safely. It should be noted that the link in the July guidance is actually incorrect – we expect to see this updated in the final version.

### ► Alternative provision

The updated guidance provides additional information to clarify and reflect existing alternative provision guidance. Alternative provision is defined as education arranged by local authorities for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education. Schools should:

- gain written confirmation from the alternative provider that appropriate staff safeguarding checks have been carried out, as well as written information about any arrangements that may put the child at risk;
- have records of the address of the alternative provider and any subcontracted provision or satellite sites the child may attend; and
- regularly review any alternative provision placements to make sure the placement continues to be safe and meets the child's needs – if safeguarding concerns occur, the placement should be immediately reviewed, and ended if necessary.

## Keoghs comment

While the final guidance is awaited, many safeguarding leads will be relieved to note that the guidance actually contains the fewest number of changes of any updated version.

We would suggest reviewing any policies and procedures in place at the moment, identifying any changes in draft, which could save time later. Alternatively, schools will need to be flexible and build in time in early September to address any changes when the final version is published.

We will of course provide you with an update on any further developments.



# Lucy Faithfull Foundation: Everyone's Safer: the final report

In June 2020, on the back of the 'me too' movement, Everyone's Invited made headlines, highlighting the extent of harmful sexual behaviour in schools. This led to the Government instructing Ofsted to carry out a rapid review of sexual abuse, including peer-on-peer harassment, sexual violence, and online abuse in schools and colleges.

The Lucy Faithfull Foundation - a UK charity that works to prevent all forms of child sexual abuse - undertook a three-year action-research project in collaboration with the University of Surrey, supported by the KPMG Foundation. The project covered the period January 2022 to December 2024, and the final report has now been published. Lorraine Nolan, Associate Solicitor and Safeguarding Lead in the Keoghs Specialist Abuse Team has considered the findings in the report and its recommendations.





## The Project

Over the course of the three-year project, the Lucy Faithfull Foundation worked directly with 30 schools (10 schools each year of the project) and thousands of staff, students and parents to test and refine effective strategies for tackling harmful sexual behaviour and creating safe school environments.

### The project had three main aims:

- 1 To help schools respond well when an incident of harmful sexual behaviour occurs.
- 2 To produce evidence and insights to influence government and education strategy.
- 3 To make schools safer places for children and young people and prevent harmful sexual behaviour.

### Leading on from the above, the project wanted to achieve four outcomes

- 1 Comprehensive and effective support for all individuals affected by incidents of harmful sexual behaviour – including students, parents/carers, and staff.
- 2 Access to expert knowledge, research, and shared practice to help schools respond to and prevent harmful sexual behaviour.
- 3 Improved understanding among statutory agencies of the challenges schools face, leading to more effective support.
- 4 Wider sharing of resources and evidence to strengthen the overall approach to tackling harmful sexual behaviour in schools.

## The findings

### Year 1

Recognising the challenge: In the first year, the project worked with participating schools to assess needs and raise awareness of harmful sexual behaviour. Early findings showed that many schools were anxious about their capacity to identify and address harmful sexual behaviour effectively. Staff and students sometimes held conflicting views on what behaviours constitute harmful sexual behaviour or how serious the problem was, revealing a 'gap' in understanding between adults and young people. These insights highlighted that any effective response must empower and support safeguarding staff while also bridging the perspective gap between students and adults, so that everyone is 'on the same page' about the realities of peer sexual behaviours. The focus was therefore on building staff knowledge and confidence and ensuring young people's voices were heard.

### Year 2

Building partnerships and capacity: The second year placed greater emphasis on understanding and developing a multi-agency and whole-community approach to harmful sexual behaviour prevention. It involved engagement with families, specialist services and local safeguarding partners.

### Year 3

Implementing strengths-based strategies: In the final year, the project moved from diagnosis and groundwork to the implementation of targeted interventions, with a focus on strengths-based, public health-oriented approaches to harmful sexual behaviour. It promoted proactive education, positive culture change, and restorative practices.



## The recommendations

Considering all the information collated across the three years, the final report made the following recommendations:

- 1 Provide sustained professional development, practical tools, and support to teachers and safeguarding staff, ensuring they are not working in isolation. The report found that when safeguarding leads and educators felt equipped and supported, it enabled them to be confident and consistent in their responses, which in turn meant students reported greater trust, and school cultures became more responsive.
- 2 Encourage and resource schools to adopt a whole-school, public health approach to harmful sexual behaviour with support from external agencies, supported by clear policy and external partnerships. This requires clear leadership commitment and policy support to encourage a shift from reactive compliance to holistic prevention. This includes investing in staff training, ensuring PSHE/RSE curriculum time is protected, and developing links with external experts.
- 3 Schools should be supported to integrate restorative processes and focus on promoting positive behaviour (what we want to see, not just what to avoid). Schools should review their behaviour and safeguarding policies to ensure they allow for restorative and educative responses to harmful sexual behaviour in appropriate cases, rather than mandating zero tolerance in all instances.
- 4 Integrate gender transformative education into RSE and school culture, ensuring boys are included constructively, and staff are supported to lead these conversations. Schools and education authorities should integrate healthy masculinity programmes as a core component of harmful sexual behaviour prevention. This can include professional development for teachers on gender norms and facilitation skills to engage boys, and age-appropriate curriculum materials that encourage reflection on masculinity and gender stereotypes.
- 5 Strengthen RSE provision through sustained curriculum time, staff training, scenario-based learning, and structured opportunities for student voice and feedback. Effective education on healthy relationships and consent is a key part of prevention. Schools should ensure that Relationships and Sex Education (RSE) is delivered regularly, resourced adequately, and taught by confident, trained staff. This includes integrating topics such as consent, image-sharing, online harms and bystander action into a curriculum that builds skills as well as knowledge. By equipping students with the language and skills to express discomfort, set boundaries and seek help, schools can create conditions for earlier intervention and reduce subsequent harm.

## Keoghs comment

The findings of the report show that schools and their students are eager to make positive changes. The report interacted with a small number of schools but was able to identify common themes. To make progress and implement the findings nationally will of course take time. In addition, many schools find themselves under pressure, under-resourced and unsure where to start in a complex and sensitive area in which sexual harassment and abuse has become normalised and widespread.

The Lucy Faithfull Foundation remains committed to

advocating on behalf of schools, students and families to ensure that the lessons from the project help to influence government policy and guidance. They will also continue to offer a dedicated school callback service to all UK schools through the Stop It Now helpline.

In relation to the prospect of increased civil claims arising from peer-on-peer allegations, schools and Local Authorities should consider implementing new strategies around RHSE, staff training, and opportunities for student voice and feedback.

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