



## Safeguarding Children and Child Protection

(including Dealing with an allegation against a staff member, person of trust or another professional)

### Version control

Agreed at Meeting on	Attended by	Final Approval by	Date Approved	Next Review Date
5.6.2014	R. Angell J. Malins		5.6.2014	5.6.2015
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## Policy

Otters Nursery School will work with children, parents and the community to ensure the rights and safety of children and to give them the very best start in life. Our safeguarding policy is based on the three key commitments;

1. Culture of Safety
2. Responding promptly and appropriately to incidents and concerns
3. Promoting awareness of child abuse

Each nursery will comply with procedures approved by their Local Safeguarding Children Board dependent on the county in which they are based. All nurseries will adhere to The Children Act 1989 and Children Act 2006.

We intend to create nurseries that have environments in which we promote the well-being of children 'in need' and safeguarding children who are at risk of 'significant harm'.

## Key Commitments

### Key commitment 1 - Culture of Safety

Otters Nursery Schools are committed to building a 'culture of safety' in which children are protected from abuse and harm in all areas of its service delivery.

### Staff and volunteers

- Each nursery has a **Lead Practitioner for Safeguarding** responsible for safeguarding in that setting. This person is:

**Jennifer Malins, Manager**

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- Each nursery has a Deputy Practitioner for Safeguarding who is responsible for safeguarding in that setting when the Lead Practitioner for Safeguarding is absent. This person is:
- Otters Nursery Schools **Designated Company Director** who oversees all aspects of safeguarding across the settings. This person is:

**Robert Angell phone number 07907 469684**

- We ensure all staff and parents are made aware of our safeguarding policies and procedures.
- We provide adequate and appropriate staffing resources to meet the needs of children.
- Applicants for posts within the setting are clearly informed that the positions are exempt from the Rehabilitation of Offenders Act 1974.
- Candidates are informed of the need to carry out 'enhanced disclosure' checks with the Disclosure and Barring Services before posts can be confirmed.
- Persons conducting interviews for new positions will have been trained in Safer Recruitment.
- Where applications are rejected because of information that has been disclosed, applicants have the right to know and to challenge incorrect information.
- We abide by Ofsted (phone number 0300 123 1231) requirements in respect of references and Disclosure and Barring Services guidelines and checks for staff and volunteers, to ensure that no disqualified person or unsuitable person works at the setting or has access to the children.
- Volunteers do not work unsupervised.
- Newly appointed staff awaiting confirmation of enhanced disclosure from the Disclosure and Barring Services do not work unsupervised.
- We abide by the Protection of Vulnerable Groups Act requirements in respect of any person who is dismissed from our employment, or resigns in circumstances that would otherwise have led to dismissal for reasons of child protection concern.
- We inform the Local Authority Designated Officer (LADO), the Disclosure and Barring Service and Ofsted (phone number 0300 123 1231) if we become aware of relevant information which may lead to disqualification of an employee as soon as is practicably possible & within 5 working days and take appropriate action to ensure the safety of the children.
- We require employees, as part of their employment contract to notify us of any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children imposed or pending.
- We require employees, as part of their employment contract to notify us if their suitability to work with children is compromised by their association with someone who is disqualified (someone who lives with them etc.).
- We do not continue to employ a person who has been disqualified from working with children.
- We have procedures for recording the details of and checking the identity of visitors to the setting.
- We take security steps to ensure that we have control over who comes into the setting so that no unauthorised person has unsupervised access to the children.
- We take steps to ensure children are not photographed or filmed on video for any other purpose than to record their development or their participation in events organised by us. Parents sign a consent form and have access to records holding

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visual images of their child.

### **Exclude known abusers**

- It will be made clear to applicants for posts with the nursery that the position is exempt from the provisions of the Rehabilitation Act 1974. All applicants for work with the nursery, whether voluntary or paid, will be interviewed before an appointment is made and will be asked to provide at least two references. All such references will be followed up. In the case of applicants with unexplained gaps in their employment history, or who have move rapidly from one job to another, explanations will be sought.
- All appointments, both paid and voluntary, will be subject to probationary period and will not be confirmed unless the nursery is confident that the applicant can be safely entrusted with children.

### **Key commitment 2 - Responding Promptly and Appropriately to Incidents and Concerns**

Otters Nursery Schools are committed to responding promptly and appropriately to all incidents or concerns of abuse that may occur and to work with statutory agencies in accordance with the procedures that are set down in 'What to do if you're worried a child is being abused' (HMG 2006).

#### **Responding to suspicions of abuse**

- We acknowledge that abuse of children can take different forms - physical, emotional, and sexual, as well as neglect.
- When children are suffering from physical, sexual or emotional abuse, or may be experiencing neglect, this may be demonstrated through the things they say (direct or indirect disclosure) or through changes in their appearance, their behaviour, or their play.
- We take into account factors affecting parental capacity, such as social exclusion, domestic violence, drug or alcohol abuse, mental or physical illness or parent's learning disability.
- We are aware of other factors that affect children's vulnerability such as abuse of disabled children, fabricated or induced illness, child abuse linked to beliefs in spirit possession, sexual exploitation of children such as through internet abuse and Female Genital Mutilation that may affect or may have affected children and young people using our provision.
- We also make ourselves aware that some children and young people are affected by gang activity, by complex, multiple or organised abuse, through forced marriage or honour based violence or maybe victims of child trafficking. While this may be less likely to affect young children in our care we may become aware of any of these factors affecting older children and young people who we may come into contact with.
- Where we believe a child in our care or known to us may be affected by any of these factors we follow the safeguarding procedure for reporting child protection concerns.
- Where such evidence is apparent, the child's key person makes a dated record of the details of the concern and follow the safeguarding procedure. The information is stored on the child's personal file.
- We refer concerns to the local authority children's social care department and co-operate fully in any subsequent investigation.

NB In some cases this may mean the police or another agency identified by the Local Safeguarding Children Board.

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- We take care not to influence the outcome either through the way we speak to children or by asking questions of children.
- We take account of the need to protect young people aged 16-19 as defined by the Children Act 1989. This may include students or school children on work placement, young employees or young parents. Where abuse is suspected we follow the procedure for reporting any other child protection concerns. The views of the young person will always be taken into account, but the setting may override the young person's refusal to consent to share information if it feels that it is necessary to prevent a crime from being committed or intervene where one may have been or to prevent harm to a child or adult. Sharing confidential information without consent is done only where not sharing it could be worse than the outcome of having shared it.

### **Prevent abuse by means of good practice**

- Adults will not be left alone for long periods with individual children or with small groups.
- Adults who have not been registered as 'fit' persons will not take children unaccompanied to the toilet or changing areas or be left unsupervised with children.
- Nursery areas are designed for privacy where appropriate but with all areas viewable.
- The layout of the playroom(s) will permit constant supervision of all children
- Children will be encouraged to develop a sense of autonomy and independence through adult support in making choices and in finding names for their own feelings and acceptable ways to express them. This will enable children to have the self-confidence and the vocabulary to resist inappropriate approaches.
- Mobile phones are not permitted to be used by staff in any area other than the staff room. Notices are clearly displayed so any visitors are clear they cannot use their mobile phones on the premises. The exception to this is with direct permission and supervision from the manager in the office or staff room.

### **Recording suspicions of abuse and disclosures**

- Where a child makes comments to a member of staff that gives cause for concern (disclosure), observes signs or signals that gives cause for concern, such as significant changes in behaviour; deterioration in general well-being; unexplained bruising, marks or signs of possible abuse or neglect that member of staff:
  - listens to the child, offers reassurance and gives assurance that she or he will take action;
  - does not question the child;
  - makes a written record that forms an objective record of the observation or disclosure that includes:
    - the date and time of the observation or the disclosure;
    - the exact words spoken by the child as far as possible;
    - the name of the person to whom the concern was reported, with date and time; and
    - the names of any other person present at the time.
- These records are signed and dated and kept in the child's personal file which is kept securely and confidentially.
- Where the Local Safeguarding Children Board stipulates the process for recording and sharing concerns, we include those procedures alongside this procedure and follow the steps set down by the Local Safeguarding Children Board.

### **Making a referral to the local authority social care team**

- The Otters Nursery School Safeguarding File contains procedures for making a referral to the local children's social care team, as well as a template form for

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recording concerns and making a referral. This is based on 'What to do if you are worried a child is being abused' (HMG 2006).

- The Lead Practitioner for Safeguarding (LPS) in the nursery can contact the Duty Social Worker for the area on: 0845 603 5620 (Hantsdirect)

### **Informing parents**

- Parents are normally the first point of contact. We discuss concerns with parents to gain their view of events unless we feel this may put the child in greater danger.
- We inform parents where we make a record of concerns in their child's file and that we also make a note of any discussion we have with them regarding a concern.
- If a suspicion of abuse warrants referral to Children's Services, parents are informed at the same time that the referral will be made, except where the guidance of the Local Safeguarding Children Board does not allow this, for example, where it is believed that the child may be placed in greater danger.
- This will usually be the case where the parent is the likely abuser. In these cases the social workers will inform parents.

### **Liaison with other agencies**

- We work within the Local Safeguarding Children Board guidelines.
- We have a copy of 'What to do if you're worried a child is being abused' for parents and staff and all staff are familiar with what to do if they have concerns.
- We have procedures for contacting the local authority on child protection issues, including maintaining a list of names, addresses and telephone numbers of social workers, to ensure that it is easy, in any emergency, for the setting and social services to work well together.
- We notify Ofsted (phone number 0300 123 1231) of any incident or accident and any changes in our arrangements which may affect the wellbeing of children or where an allegation of abuse is made against a member of staff.
- Contact details for the local National Society for the Prevention of Cruelty to Children (NSPCC) are also kept.

### **Allegations against staff (see Dealing with an allegation against a staff member or other professional procedure)**

- We ensure that all parents know how to complain about the behaviour or actions of staff or volunteers within the setting, or anyone living or working on the premises occupied by the setting, which may include an allegation of abuse.
- We follow the guidance of the Local Safeguarding Children Board when responding to any complaint that a member of staff, or volunteer within the setting, or anyone living or working on the premises occupied by the setting, has abused a child.
- We respond to any disclosure by children or staff that abuse by a member of staff or volunteer within the setting, or anyone living or working on the premises occupied by the setting, may have taken, or is taking place, by first taking instruction from the Local Authority Designated Officer as to the appropriate actions and recording the details of any such alleged incident. Please refer to Otter Nursery School Whistle-blowing Policy.

### **Disciplinary action**

- Where a member of staff or volunteer has been dismissed due to engaging in activities that caused concern for the safeguarding of children or vulnerable adults, we will notify the Disclosure and Barring Service of relevant information so that individuals who pose a threat to children (and vulnerable groups), can be identified and barred from working with these groups.



### **Key commitment 3 - Promoting Awareness of Child Abuse**

Otters Nursery School is committed to promoting awareness of child abuse issues throughout its training and learning programmes for adults. It is also committed to empowering young children, through its early childhood curriculum, promoting their right to be strong, resilient and listened to.

#### **Training**

- We seek out training opportunities for all adults involved in the setting to ensure that they are able to recognise the signs and signals of possible physical abuse, emotional abuse, sexual abuse and neglect and that they are aware of the local authority guidelines for making referrals.
- The settings Child Protection Representative will ensure that all staff know the procedures for reporting and recording their concerns in the setting. They are also responsible for ensuring all staff receive up to date training at least every three years, and new staff receive training as part of their induction period.
- The manager will complete a Safer Recruitment Course that will be adhered to when employing new staff.

#### **Planning**

- The layout of the rooms allows for constant supervision. No child is left alone with staff or volunteers in a one-to-one situation without being visible to others.

#### **Curriculum**

- We introduce key elements of keeping children safe into our programme to promote the personal, social and emotional development of all children, so that they may grow to be strong, resilient and listened to and that they develop an understanding of why and how to keep safe.
- We create within the setting a culture of value and respect for the individual, having positive regard for children's heritage arising from their colour, ethnicity, languages spoken at home, cultural and social background.
- We ensure that this is carried out in a way that is developmentally appropriate for the children.

#### **Confidentiality**

- All suspicions and investigations are kept confidential and shared only with those who need to know. Any information is shared under the guidance of the Local Safeguarding Children Board.

#### **Support to families**

- We believe in building trusting and supportive relationships with families, staff and volunteers in the group.
- We make clear to parents our role and responsibilities in relation to child protection, such as for the reporting of concerns, providing information, monitoring of the child, and liaising at all times with the local children's social care team.
- We will continue to welcome the child and the family whilst investigations are being made in relation to any alleged abuse.
- We follow the Child Protection Plan as set by the child's social care worker in relation to the setting's designated role and tasks in supporting that child and their family, subsequent to any investigation.
- Confidential records kept on a child are shared with the child's parents or those who have parental responsibility for the child in accordance with the Confidentiality and

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Client Access to Records procedure and only if appropriate under the guidance of the Local Safeguarding Children Board.

### Safeguarding Procedure

All staff and persons using or visiting the Nursery must report any safeguarding concern or allegation immediately following the procedure:

- Inform the Nursery **Lead Practitioner for Safeguarding (LPS)**. **The Lead Practitioner for Safeguarding is the manager: Jennifer Malins**
- In the absence of the manager the Nursery Lead Practitioner for Safeguarding is the Deputy Practitioner for Safeguarding (DPS). The Deputy Practitioner for Safeguarding is :
- The DPS must follow the procedure for the Lead Practitioner for Safeguarding.
- If the allegation/concern is about or relates to the manager (LPS), or in their absence the DPS, the report must be made to the Designated Company Director R. Angell of Otters Nursery School (07907469684).
- If the LPS and DPS are not available the report must be made to the Designated Company Director, R. Angell of Otters Nursery School (07907469684).
- In both instances the Designated Company Director will act as the LPS for the nursery and follow the procedure for the LPS.
- All allegations must be dealt with discreetly and confidentiality must be maintained at all times. The person who has had the allegation made against them must not be made aware of this until this has been agreed by & instructed by the Local Authority Designated Officer (LADO)

### Safeguarding Procedure for the Nursery Lead Practitioner for Safeguarding

**The Lead Practitioner for Safeguarding must follow the procedure immediately.**

- The Lead Practitioner for Safeguarding (LPS) will record the details of the child protection concern and deal with the information discreetly and ensuring the confidentiality of the disclosure.
- If the disclosure relates to an allegation of abuse or harm against a child or vulnerable adult by a staff member or person in a position of trust then the **Dealing with an allegation against a staff member, person of trust or other professional** procedure will be followed as detailed below.
- If the disclosure relates to a child suffering harm or abuse the disclosure will be reported immediately to the Children's Services Department at Hantsdirect:
  - Children's Reception Team direct number (for professionals only): 01329 225379 or
  - 0845 603 5620 (8.30am - 5pm), or
  - out of hours emergency line: 0845 600 4555,
  - email: [childrens.services@hants.gov.uk](mailto:childrens.services@hants.gov.uk)
- The LPS will follow the instructions of the Children's Services department in relation to informing the parents/carers of the child of the disclosure and referral. The parents/carers should be kept informed but the circumstances and the safety of the child will determine whether this is appropriate.
- The referral form will be completed and emailed to Children's Services within 24 hours providing as much detail as possible using the information held on the child at the setting in their personal records and where appropriate their developmental

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- records.
- The LPS will be the main point of contact for the nursery regarding the disclosure and will contact the Children's Services department to ensure that they are aware of the actions being made to investigate the concern and to ensure the safety of the child in question.
  - The LPS will inform only any members of staff of the concerns on a strictly need to know basis for the well-being of the child.
  - The LPS will inform the Designated Company Director R. Angell as soon as is practicably possible of the disclosure and the actions being taken.
  - The LPS will continue to contact Children's Services to ensure that the case has been concluded: either an investigation has been carried out and no evidence of abuse has been found or that the investigation has led to further actions being taken. The wellbeing of the child is paramount.
  - The LPS will ensure the procedures carried out comply with the Hampshire Safeguarding Children's board model policy and procedures.
  - A record of the disclosure will be kept in the child's file following confidentiality procedures.

### **Dealing with an allegation against a staff member, person of trust or another professional**

- The LPS must report any allegation against a member of staff or other professional that relates to any harm or abuse towards a child to the Local Authority Designated Officer (LADO) **immediately** before taking any other action or reporting the information received to any other member of staff or Designated Company Director R. Angell.
- The **LADO contact is Mark Blackwell, 01962 876364, [mark.blackwell@hants.gov.uk](mailto:mark.blackwell@hants.gov.uk)**
- If the allegation relates to a member of staff and if instructed by the LADO, the LPS must place the member of staff involved under immediate oversight & monitoring as per Otters Nursery School Investigation, Oversight & Monitoring Procedure.
- The LPS must report the safeguarding concern or allegation to the Designated Company Director R. Angell (07907469684) as soon as is practicably possible after following the instructions as directed by the LADO.
- The LPS must report the concern/allegation to Ofsted (phone number 0300 123 1231) as soon as is practicably possible after ensuring the advice and instructions of the LADO have been carried out.
- The LPS is the main point of contact with the Local Authority Designated Officer (LADO), liaising and following instruction. If the LADO confirms that the complaint can be dealt with by internal Otters Nursery School complaints procedures this will be confirmed in writing by the LADO, usually by email, and these procedures will be followed.
- If the LADO confirms that this is a child protection issue, the LADO will direct the LPS as to the relevant procedures including contacting the police. The LPS must not investigate or alert the staff member in question in case this interferes with any police investigation.
- The LPS is the main point of contact for liaising with Designated Company Director R. Angell of Otters Nursery School.
- The LPS must organise a case review with the Designated Company Director R. Angell of Otters Nursery School from the point of contact within 24 hours.
- The Designated Company Director R. Angell of Otters Nursery School will support the LPS and liaise with all Company Directors.

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### **Dealing with an allegation against the manager (LPS) or in their absence the DPS**

- If the allegation/concern is about or relates to the manager (LPS), or in their absence the DPS, the report must be made to the Designated Company Director R. Angell of Otters Nursery School (07907469684).
- The Designated Company Director R Angell will act as the LPS for the nursery and follow the procedure for the LPS ( as above).

### **Escalation Policy - Resolution of professional disagreements in work relating to the safety of children**

Occasionally situations arise when workers within one agency feel that the decision made by a worker from another agency on a child protection or child in need case is not a safe decision. Disagreements could arise in a number of areas, but are most likely to arise around:

- Levels of need
- Roles and responsibilities
- The need for action
- Communication

The safety of individual children is the paramount consideration in any professional disagreement and any unresolved issues should be addressed with due consideration to the risks that might exist for the child.

All workers should feel able to challenge decision-making and to see this as their right and responsibility in order to promote the best multi-agency safeguarding practice. This policy provides workers with the means to raise concerns they have about decisions made by other professionals or agencies by:

- a) avoiding professional disputes that put children at risk or obscure the focus on the child
- b) resolving the difficulties within and between agencies quickly and openly
- c) identifying problem areas in working together where there is a lack of clarity and to promote the resolution via amendment to protocols and procedures

Effective working together depends on an open approach and honest relationships between agencies. Problem resolution is an integral part of professional co-operation and joint working to safeguard children.

Resolution should be sought within the shortest timescale possible to ensure the child is protected. Disagreements should be resolved at the lowest possible stage however if a child is thought to be at risk of immediate harm discretion should be used as to which stage is initiated.

#### *Stages of the policy*

##### *Stage One*

Any worker who feels that a decision is not safe or is inappropriate should initially consult a supervisor/manager to clarify their thinking in order to identify the problem; to be specific as to what the disagreement is about; and what they aim to achieve. They should also be able to evidence the nature and source of their concerns and should to keep a record of all discussions.

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### *Stage Two*

Initial attempts should be taken to resolve the problem at the lowest possible level. This would normally be between the people who disagree. It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue this unsupported.

### *Stage Three*

If the problem is not resolved at stage two the concerned worker should contact their supervisor/manager within their own agency who should raise the concerns with the equivalent supervisor/manager in the other agency. The manager should also notify the Safeguarding Children's Board Manager (or equivalent), who will keep a record of all on-going disagreements.

### *Stage Four*

If the problem is not resolved at stage three the supervisor/manager reports to their respective operations manager or named/Lead Practitioner for Safeguarding. These two managers must attempt to resolve the professional differences through discussion. Safeguarding Children's Board Manager should be advised of any outcome.

### *Stage Five*

If it has not been possible to resolve the professional differences within the agencies concerned the matter should be referred to the Chair of the Local Safeguarding Children Board, who may either seek to resolve the issue direct, or to convene a Resolution Panel.

The panel must consist of LSCB representatives from three agencies (including the agencies concerned in the professional differences, where possible).

The panel will receive representations from those concerned in the professional differences and make a decision as to the next course of action, resolving the professional differences concerned.

### *Timescales*

Some matters may be resolved very quickly, and this will be determined locally by the complexity of the issues. In all cases, the matter will be resolved as speedily as possible, and the primary focus will be on ensuring that the safety and welfare of the child concerned is assured whilst discussions take place.

### *Additional Notes;*

At all stages of the process actions and decisions must be recorded in writing and shared with relevant personnel, to include the worker who raised the initial concern. In particular this must include written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued.

It may be useful for individuals to debrief following some disputes in order to promote continuing good working relationships.

## **Legal framework**

### ***Primary legislation***

- Children Act (1989 s47)
- Protection of Children Act (1999)
- Data Protection Act (1998)

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- The Children Act (2004)
- Safeguarding Vulnerable Groups Act (2006)

### ***Secondary legislation***

- Sexual Offences Act (2003)
- Criminal Justice and Court Services Act (2000)
- Equalities Act (2010)
- Data Protection Act (1998) Non Statutory Guidance

### **Further Guidance**

- Working Together to Safeguard Children (HMG 2013)
- What to do if you are Worried a Child is Being Abused (HMG 2006)
- Information Sharing: Guidance for Practitioners and Managers (HMG 2008)
- Disclosure and Barring Service [www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)