



# Charters Ancaster Nursery and Forest School



## Child Protection and Safeguarding Policy and Procedure

Reviewed By: Nursery Manager

Date approved by Directors: 27 November 2019

Signature: \_\_\_\_\_

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**Key contacts**

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Deputy Designated Safeguarding Lead	Sue Ramshaw	01424 216670
Deputy Designated Safeguarding Lead	Rachel Surridge	01424 216670
Nominated director for safeguarding and child protection	Fiona Kellett	Contact via office
Chair of Directors	Mike Crump	Contact via office
Local Authority Designated Officer (LADO)	Amanda Glover	07825 782793
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# Child Protection and Safeguarding Policy

although they are not in formal education. The nursery may be referred to as the 'school' also but staff will be referred to as 'practitioners' not teachers.

- 1.1. Safeguarding children is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.
- 1.2. Safeguarding and promoting the welfare of children is defined as
  - Protecting children from maltreatment
  - Preventing impairment of children's health or development
  - Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
  - Taking action to enable children to have the best outcomes
- 1.3. Child protection is the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.
- 1.4. Our pupils' welfare is our paramount concern. The Board of directors will ensure that our nursery will safeguard and promote the welfare of pupils and work together with other agencies to ensure that our nursery has robust arrangements to identify, assess and support those children who are suffering or likely to suffer harm.
- 1.5. Our nursery is a community and all those directly connected, staff members, directors, parents, families and pupils, have an essential role to play in making it safe and secure.
- 1.6. Safeguarding incidents and/or behaviours can be associated with factors outside the nursery and/or can occur between children outside the school. All staff, but especially the DSL will consider the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

## 2 OUR ETHOS

- 2.1 Our ethos is as follows:-
- 2.2 We believe that our nursery should provide a caring, positive, safe and stimulating environment that promotes the social, physical, emotional and moral development of the individual child.
- 2.3 We recognise the importance of providing an environment within our nursery that will help children feel safe and respected. We recognise the importance of enabling children to talk openly and to feel confident that they will be listened to.
- 2.4 We recognise that all adults within the school, including permanent and temporary staff, volunteers and directors, have a full and active part to play in protecting our pupils from harm.
- 2.5 We will work with parents to build an understanding of the nursery's responsibilities to ensure the welfare of all children, including the need for referrals to other agencies in some situations.

### 3 SCOPE

- 3.1 In line with the law, this policy defines a child as anyone under the age of 18 years.
- 3.2 This policy applies to all members of staff in our nursery, including all permanent, temporary and support staff, directors, volunteers, contractors and external service or activity providers.
- 3.3 Sometimes the nursery employs apprentices as practitioners and they may still be considered learners and may be over 18 before they finish their course..

### 4 THE LEGAL FRAMEWORK

- 4.1 *Section 175 of the Education Act 2002 places a duty on governing bodies of maintained schools and further education institutions (including sixth-form colleges) to make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school. Section 157 of the same Act places a similar duty on non-maintained and independent educational establishments, including free schools and academies.*
- 4.2 Under section 10 of the Children Act 2004, all maintained schools, further education colleges and independent schools, including free schools and academies, are required to cooperate with the local authority to improve the well-being of children in the local authority area.
- 4.3 Under section 14B of the Children Act 2004, the Local Safeguarding Children Board can require a school or college to supply information in order to perform its functions. This must be complied with.
- 4.4 This policy and the accompanying procedure have been developed in accordance with the following statutory guidance and local safeguarding procedures:
- *Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children, July 2018*
  - *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, September 2018*
  - *Pan-Sussex Child Protection and Safeguarding Procedures*
  - *Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers, July 2018*

### 5 ROLES AND RESPONSIBILITIES

- 5.1 The school or nursery's lead person with overall responsibility for child protection and safeguarding is the **Designated Safeguarding Lead (DSL)**. **At our nursery the DSL is Louise Pope, our Nursery Manager**. To ensure that there is appropriate cover for this role at all times we also have deputy DSLs, they are: **Sue Ramshaw the Business Manager, Rachel Surridge, Gel Baker**. The DSL's responsibilities are described in Appendix A.
- 5.2 The DSL will be on our nursery leadership team. Her role of DSL and the DDSL's role will be explicit in their job descriptions. The DSL will have the appropriate authority and be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children. The DSL's lead responsibility will not be delegated.

- 5.3 The school has a nominated director responsible for safeguarding. They will champion good practice, provide critical challenge, liaise with the Nursery Manager and provide information and reports to the Board of directors..
- 5.5 The case manager for dealing with allegations of abuse made against nursery staff members is the Nursery Manager. The case manager for dealing with allegations against the Nursery Manager is the Chair of directors. The procedure for managing allegations is detailed in Appendix B.
- 5.6 The Nursery Manager will ensure that the policies and procedures adopted by the Board of directors are fully implemented and sufficient resources and time are allocated to enable staff members to discharge their safeguarding responsibilities.
- 5.7 The Board of directors is collectively responsible for ensuring that safeguarding arrangements are fully embedded within the nursery's ethos and reflected in the nursery's day-to-day practice.
- 5.8 All staff members, directors, volunteers and external providers know how to recognise signs and symptoms of abuse, how to respond to pupils who disclose abuse and what to do if they are concerned about a child.

## **6 SUPPORTING CHILDREN**

- 6.1 Our nursery will support all pupils by:
- ensuring the content of the curriculum includes social and emotional aspects of learning;
  - ensuring a comprehensive curriculum response to online safety, enabling children and parents to learn about the risks of new technologies and social media and to use these responsibly;
  - Filtering and monitoring internet use, to safeguard from potentially harmful and inappropriate online material,
  - ensuring that safeguarding is included in the curriculum to help children stay safe, recognise when they do not feel safe and identify who they might or can talk to;
  - providing pupils with a number of appropriate adults to approach if they are in difficulties;
  - supporting the child's development in ways that will foster security, confidence and independence;
  - encouraging development of self-esteem and self-assertiveness while not condoning aggression or bullying;
  - liaising and working together with other support services and those agencies involved in safeguarding children;
  - monitoring children who have been identified as having welfare or safeguarding concerns and providing appropriate support.
  - ensuring that all staff are aware of the early help process, and understand their role in it, including acting as the lead professional where appropriate.
  - ensuring that all staff understand the additional safeguarding vulnerabilities for certain groups of children or characteristics, and how to address them.
- 6.2 Additional vulnerabilities and characteristics can include:
- Looked after children
  - Previously looked after children
  - Care leavers

- Children with special educational needs or disabilities
- Young carers
- Children showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- Children frequently go missing from care or from home
- Children misusing drugs or alcohol themselves;
- Children at risk of modern slavery, trafficking or exploitation;
- Children in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse
- Children who have returned home to their family from care;
- Children showing early signs of abuse and/or neglect;
- Children at risk of being radicalised or exploited;
- Privately fostered children

Some of these issues may not directly affect our children but may do so indirectly through siblings and other family members.

6.3 Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges and additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- being more prone to peer group isolation than other children;
- the potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers.

To address these additional challenges our nursery will ensure that these children receive additional monitoring and pastoral support.

## **7 CHILD PROTECTION AND SAFEGUARDING PROCEDURE**

7.1 We have developed a structured procedure in line with Pan-Sussex Child Protection and Safeguarding Procedures and Keeping Children Safe in Education: 2018, which will be followed by all members of the nursery community in cases where there are welfare or safeguarding concerns. This is detailed in Appendix B.

7.2 In line with the procedures, the Children's Social Care Single Point of Advice (SPoA) will be notified as soon as there is a significant concern, or where a level 3 referral is required.

7.3 The names of the DSLs will be clearly advertised in the nursery, with a statement explaining the nursery's role in referring and monitoring welfare and safeguarding concerns.

Photographs of the DSL team are displayed in the both the House and Chalet main entrances reception, as well as in each classroom and the staffroom etc

7.4 We will ensure all parents and carers are aware of the responsibilities of staff members to safeguard and promote the welfare of children and act in the best interests of children by publishing the policy and procedures on our website and by referring to them in our introductory nursery materials.

## **8 REPORTING CONCERNS AND RECORD KEEPING**

- 8.1 All safeguarding and welfare concerns, discussions and decisions made will be recorded in writing and kept in line with the East Sussex Local Safeguarding Children Board guidance Keeping Records of Child Protection and Welfare Concerns Guidance for Early Years Settings, Schools and Colleges July 2017.
- 8.2 Hate incidents, e.g. racist, homophobic, gender or disability-based bullying, are reported, recorded and considered under safeguarding arrangements.
- 8.3 Attendance patterns are reviewed and responded to under safeguarding arrangements.
- 8.4 We will continue to support any pupil leaving the nursery about whom there have been concerns by ensuring that all appropriate information, including welfare and safeguarding concerns, is forwarded under confidential cover to the pupil's new nursery or school as a matter of priority, and within 5 working days.
- 8.5 When a pupil is due to transfer to another nursery or school the DSL will consider if it would be appropriate to share any information with the new nursery/school in advance of the pupil leaving. For example, information that would allow the new nursery/school to continue supporting victims of abuse and have that support in place for when the child arrives.
- 8.6 When a new pupil joins our nursery, and there is a record of safeguarding or welfare concerns, we will ensure that this information is shared appropriately with the DSL, the Special Education Needs Coordinator (SENCO) and the Designated Practitioner for LAC, as necessary.

## **9 SAFER WORKFORCE AND MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS**

- 9.1 All individuals working in any capacity at our school will be subjected to safeguarding checks in line with the statutory guidance *Keeping Children Safe in Education*.
- 9.2 We will ensure that agencies and third parties supplying staff provide us with evidence that they have made the appropriate level of safeguarding checks on individuals working in our nursery. eg students from local colleges We will also ensure that any agency worker presenting for work is the same person on whom the checks have been made.
- 9.3 We will ensure that alternative provision providers provide evidence that they have made the appropriate level of safeguarding checks on individuals working for their organisation .
- 9.4 Every job description and person specification will have a clear statement about the safeguarding responsibilities of the post holder : –
- *To understand and take responsibility for any safeguarding concerns and take action as necessary and update training regularly.*
- 9.5 We will ensure that at least one member of every interview panel has completed safer recruitment training.
- 9.6 We have a procedure in place to handle allegations against members of staff and volunteers in line with *Keeping Children Safe in Education Statutory Guidance*. See *APPENDIX B /16*

## **10 STAFF INDUCTION, TRAINING AND DEVELOPMENT**

10.1 All new members of staff, including newly-qualified practitioners and directors, students, bank staff etc will be given an induction which includes the following:

Issue and explain the safeguarding and child protection policy

Issue and explain the behaviour policy

Issue and explain the staff behaviour policy/code of conduct

Issue and explain the policy/guidance which includes the safeguarding response to children who go missing from education.

Explain the role of the DSL and share the identities of the DSL and all DDSLs

Issue Part One and Annex A of Keeping Children Safe in Education. September 2018

Child protection and safeguarding training (including online safety)

All new members of staff are expected to read the above mentioned documents and to sign an acknowledgement of this.

10.2 The induction and ongoing training of staff will include the following key aspects:

- Staff understand the difference between a safeguarding concern and a child in immediate danger or at risk of significant harm.
- Staff are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned.
- When concerned about the welfare of a child, staff should always act in the best interests of the child.
- If staff are unsure, they should always speak to the DSL or deputy DSL.
- If staff have any concerns about a child's welfare, they should act on them immediately.
- Staff should not assume a colleague or another professional will take action.
- The DSL or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the DSL (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from SPoA. In these circumstances, any action taken should be shared with the DSL (or deputy) as soon as is practically possible.

10.3 The DSL will undergo updated safeguarding and child protection training every two years. In addition to this her knowledge and skills will be updated regularly, and at least annually, to keep up with developments relevant to the role.

10.4 All staff members of the nursery will receive appropriate safeguarding and child protection training (whole-nursery training) which is regularly updated. The DSL will provide briefings to the nursery on any changes to safeguarding and child protection legislation and procedures and relevant learning from local and national serious case reviews as required, but at least annually.eg at In-set days

10.5 Staff members who miss whole nursery training will be required to undertake other relevant training to make up for it. The DSL will be responsible for arranging this.

10.6 The nominated director for safeguarding and child protection will be updated every three years.

- 10.7 On the first occasion which staff members provided by other agencies and third parties, e.g. students come to our nursery to work; they will be provided with details of the safeguarding arrangements at our nursery, which will include identifying the DSL and the process for reporting welfare concerns.
- Students and new staff are given a folder of documents to read or the documents can be read online during their induction session. They can be sent them by email or they can access them on our website before their employment. They sign for each document they read so that a record can be kept. At the induction they can discuss any documents they do not understand completely

10.9 The nursery will maintain accurate records of staff induction and training.

## **11 CONFIDENTIALITY, CONSENT AND INFORMATION SHARING**

- 11.1 We recognise that all matters relating to safeguarding and child protection are confidential.
- 11.2 The Nursery Manager or the DSL will disclose any information about a pupil to other members of staff on a need-to-know basis, and in the best interests of the child.
- 11.3 All staff members are aware that they cannot promise a child to keep secrets which might compromise the child's safety or wellbeing.
- 11.4 All staff members have a professional responsibility to share information with other agencies in order to safeguard children.
- 11.5 All our staff members who come into contact with children will be given appropriate training to understand the purpose of information sharing in order to safeguard and promote children's welfare.
- 11.6 We will ensure that staff members are confident about what they can and should do under the law, including how to obtain consent to share information and when information can be shared without consent. This is covered in greater detail in Appendix B.

## **12 INTER-AGENCY WORKING**

- 12.1 We will develop and promote effective working relationships with other agencies, including agencies providing early help services to children, the police and Children's Social Care.
- 12.2 We will ensure that relevant staff members participate in multi-agency meetings and forums, including child protection conferences and core groups, to consider individual children.
- 12.3 We will participate in serious case reviews, other reviews and file audits as and when required to do so by the East Sussex Local Safeguarding Children Board. We will ensure that we have a clear process for gathering the evidence required for reviews and audits, embedding recommendations into practice and completing required actions within agreed timescales.

### **13 ACTIVITY PROVIDERS AND WORK PLACEMENT PROVIDERS**

- 13.1 We will require that employees, students, and volunteers, use our procedure to report concerns.
- 13.2 We will seek written notification that employees, students and volunteers provided by these organisations and working with our children have been subjected to the appropriate level of safeguarding check in line with *Keeping Children Safe in Education*:. If assurance is not obtained, permission to work with our children or use our nursery premises may be refused.
- 13.3 When we commission services from other organisations, we will ensure that compliance with our policy and procedures is a contractual requirement. Eg Forest school
- 13.4 When the nursery places a pupil with an alternative provision provider, the nursery continues to be responsible for the safeguarding of that pupil. The nursery will obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the nursery would otherwise perform in respect of its own staff.

### **14 WHISTLEBLOWING AND COMPLAINTS**

- 14.1 We recognise that children cannot be expected to raise concerns in an environment where staff members fail to do so.
- 14.2 We will ensure that all staff members are aware of their duty to raise concerns, where they exist, about the management of safeguarding and child protection, which may include the attitude or actions of colleagues. If necessary, they will speak with the Nursery Manager, the chair of the board of directors or with the Local Authority Designated Officer (LADO). Should staff not feel able to raise concerns they can call the NSPCC whistleblowing helpline on 0800 028 0285.
- 14.3 We have a clear reporting procedure for children, parents and other people to report concerns or complaints, including abusive or poor practice.

### **15 SITE SECURITY**

- 15.1 All staff members have a responsibility to ensure our buildings and grounds are secure and for reporting concerns that may come to light.
- 15.2 We check the identity of all visitors and volunteers coming into the nursery. Visitors are expected to sign in and out in the office visitors' log and to display a visitor's lanyard badge while on the nursery site. Any individual who is not known or identifiable will be challenged for clarification and reassurance.
- 15.3 The nursery will not accept the behaviour of any individual, parent or anyone else, that threatens nursery security or leads others, child or adult, to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse the person access to the nursery site.

## **16 QUALITY ASSURANCE**

- 16.1 We will ensure that systems are in place to monitor the implementation of and compliance with this policy and accompanying procedures. This will include periodic audits of welfare concern and safeguarding files and records by the DSL.
- 16.2 We will complete an audit of the nursery's safeguarding arrangements at frequencies specified by the East Sussex Local Safeguarding Children Board and using the audit tool provided by them for this purpose.
- 16.3 The nursery's senior management and the directors will ensure that action is taken to remedy without delay any deficiencies and weaknesses identified in safeguarding and child protection arrangements.

## **17 POLICY REVIEW**

- 17.1 This policy and the procedures will be reviewed every academic year. All other linked policies will be reviewed in line with the policy review cycle.
- 17.2 The DSL will ensure that staff members are made aware of any amendments to policies and procedures.

## **18 LINKED POLICES AND PROCEDURES**

- 18.1 The following policies are available from the SLES Safeguarding czone page:

- Online Safety Model Policy and Guidance
- Model Staff Behaviour Policy / Code of Conduct
- Model Supervision of Children Policy
- Keeping Records of Child Protection and Welfare Concerns

- 18.2 The following polices are available within the nursery.

- Acceptable use of Mobile phones, Cameras etc and Social media
- Arrivals and Departures
- Behaviour Management Policy
- Complaints Procedure
- Confidentiality
- Alcohol, Drugs and Medication Policy (Adults)
- E-safety policy
- Emergencies policy
- Equality and Diversity Policy
- EYFS policy
- First Aid and Administration of Medicines Policy
- Health and Safety Policy and other linked policies and risk assessments
- Educational Visits Policy and risk assessments
- Lockdown and Critical incident Policy
- Missing Children Procedure
- Physical Activity Policy
- Manual handling Policy
- Preventing Extremism and Radicalisation Safeguarding Policy
- Promoting Fundamental British Values policy
- Recruitment and Selection Policy and procedures
- Special Educational Needs and Disabilities Policy
- Supervision of Children policy

- Whistleblowing Blowing

And many more...

## APPENDIX A

### The role of the Designated Safeguarding Lead

#### 1 Managing referrals

- 1.1 The designated safeguarding lead will:
- Refer cases of suspected abuse to East Sussex children's social care as required.
  - Support staff who make referrals to East Sussex children's social care.

- Refer cases to the Channel programme where there is a radicalisation concern as required.
- Support staff who make referrals to the Channel programme.
- Refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required.
- Refer cases where a crime may have been committed to the Police as required.
- Liaise with agencies providing early help services and coordinate referrals from the nursery to targeted early help services for children in need of support. Monitor any cases referred to early help and consider referral to children's services where the situation does not improve.
- Report any accidental injuries, which have occurred within an Early Years setting, to Ofsted and the relevant SLES consultant in the Early years Improvement Team when appropriate.

## **1 Work with others**

2.2 As required, liaise with the "case manager" and the designated officer(s) at the local authority for child protection concerns in cases which concern a staff member.

- a. Liaise with staff on matters of safety and safeguarding (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies.
- b. Act as a source of support, advice and expertise for all staff.
- c. Cooperate with Children's Social Care for enquiries under section 47 of the Children Act 1989.
- d. Attend, or ensure other relevant staff members attend, child protection conferences, core group meetings and other multi-agency meetings, as required.
- e. Liaise with other agencies working with the child, share information as appropriate and contribute to assessments.

## **3 Training**

3.1 The designated safeguarding lead (and any deputies) will undergo training to provide them with the knowledge and skills required to carry out the role. This training will be updated at least every two years.

3.2 The DSL will undertake Prevent awareness training.

3.3 In addition to the formal training set out above, their knowledge and skills will be refreshed (this might be via e-bulletins, meeting other DSLs, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- Understand the assessment process for providing early help and statutory intervention, including the East Sussex continuum of need and the SPOA referral arrangements.
- Have a working knowledge of how East Sussex children's social care conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so.
- Ensure each member of staff has access to, and understands, the nursery's safeguarding and child protection policy and procedures, especially new and part time staff.
- Organise whole-nursery safeguarding and child protection training for all staff members regularly, and provide updates at least annually. Ensure staff

members who miss the training receive it by other means. Are alert to the specific needs of children in need, those with special educational needs and young carers.

- Are able to keep detailed, accurate, secure written records of concerns and referrals which are in line with East Sussex Local Safeguarding Board guidance; *Keep Records of Child Protection and Welfare Concerns*
- Understand and support the nursery with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation.
- Are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at nursery.
- Can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online.
- Obtain access to resources and attend any relevant or refresher training courses.
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the nursery may put in place to protect them.
- Maintain accurate records of staff induction and training.

#### **4 Raise Awareness**

- 4.1 The designated safeguarding lead will:
- Ensure the nursery's safeguarding and child protection policies are known, understood and used appropriately.
  - Ensure the nursery's safeguarding and child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the directors regarding this.
  - Ensure the safeguarding and child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the nursery in this.
  - Link with the East Sussex LSCB to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements.

#### **5 Child protection file**

- 5.1 Where children leave the nursery the DSL will ensure their safeguarding and child protection file is transferred to the nursery/school as soon as possible .(ESCC best practice is that this should be actioned within five working days). This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving nurseries/schools should ensure key staff such as DSLs and SENCOs are aware as required.eg a phone call before documents sent.
- 5.2 In addition to the safeguarding and child protection file, the DSL will also consider if it would be appropriate to share any information with the new nursery/school in advance of a child leaving. For example, information that would allow the new educational establishment to continue supporting victims of abuse and have that support in place for when the child arrives.

#### **6 Availability**

- 6.1 During the year the DSL or a deputy will always be available (during nursery hours) for staff in the nursery to discuss any safeguarding concerns.

- 6.2 Where any activities take place outside of regular nursery hours, the nursery will ensure that a DSL is available to be contacted during this time.

## **7 QUALITY ASSURANCE**

- 7.1 Monitor the implementation of and compliance with policy and procedures, including periodic audits of child protection and welfare concerns files (at a minimum twice a year).
- 7.2 Complete an audit of the nursery's safeguarding arrangements at frequencies specified by the East Sussex Local Safeguarding Children Board.
- 7.3 Provide regular reports, to the Board of directors detailing changes and reviews to policy, training undertaken by staff members and the number of children with child protection plans and other relevant data.
- 7.4 Take lead responsibility for remedying any deficiencies and weaknesses identified in safeguarding and child protection arrangements.

## **APPENDIX B**

# **Child Protection and Safeguarding Procedure**

## **1 DEFINITIONS**

- 1.1 **Abuse**, including neglect, is a form of maltreatment. A person may abuse or neglect child by inflicting harm or by failing to prevent harm. Children may be abused within their family, in an institutional or community setting, by those known to them, or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or another child or children.

- 1.2 **Children** are any people who have not yet reached their 18<sup>th</sup> birthday; a 16-year-old, whether living independently, in further education, in the armed forces or in hospital, is a child and is entitled to the same protection and services as anyone younger.
- 1.3 **Child protection** is part of safeguarding and promoting the welfare of children and refers to activity undertaken to protect specific children who are suffering, or likely to suffer, significant harm.
- 1.4 **Early help** means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years to teenage years.
- 1.5 **Harm** is ill treatment or impairment of health and development, including impairment suffered from seeing or hearing the ill treatment of another.
- 1.6 **Safeguarding children** is the action we take to promote the welfare of children and protect them from harm. **Safeguarding and promoting the welfare of children** is defined in *Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children: July 2018*
- protecting children from maltreatment;
  - preventing impairment of children's health and development;
  - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
  - taking action to enable all children to have the best outcomes.

## 2 CATEGORIES OF ABUSE

- 2.1 **Emotional abuse** is the persistent emotional maltreatment of a child such that it causes severe and persistent adverse effects on the child's emotional development. It may involve:
- making a child feel worthless, unloved or inadequate
  - only there to meet another's needs
  - inappropriate age or developmental expectations
  - overprotection and limitation of exploration, learning and social interaction
  - seeing or hearing the ill treatment of another, e.g. domestic abuse
  - making the child feel worthless and unloved - high criticism and low warmth
  - serious bullying (including cyberbullying)
  - exploitation or corruption

Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

- 2.2 **Neglect** is the persistent failure to meet a child's basic physical or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance misuse. Once a child is born, it may involve a parent failing to:
- provide adequate food, clothing and shelter, including exclusion from home or abandonment
  - protect a child from physical and emotional harm or danger
  - ensure adequate supervision, including the use of inadequate care givers
  - ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

- 2.3 **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating, or otherwise causing physical harm to a child.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

- 2.4 **Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. Activities may involve physical contact, including penetration of any part of the body, or non-penetrative acts. They may include non-contact activities, such as involving children looking at or in the production of sexual images, including on the internet, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.
- 2.5 Child sexual exploitation is also sexual abuse; it involves children and young people receiving something, for example accommodation, drugs, gifts or affection, as a result of them performing sexual activities, or having others perform sexual activities on them. It could take the form of grooming of children, e.g. to take part in sexual activities or to post sexual images of themselves on the internet.
- 2.6 Sexual abuse is not solely perpetrated by adult males. Women can also collude with and commit acts of sexual abuse, as can other children.

### **3 SPECIFIC SAFEGUARDING ISSUES**

- 3.1 Nursery staff members need to be aware of specific safeguarding issues and be alert to any risks which may include any older siblings and members of our children's families.

Chapter 8 of the *Pan-Sussex Child Protection and Safeguarding Procedures* - <https://sussexchildprotection.procedures.org.uk/page/contents> has detailed information about specific issues such as child sexual exploitation, fabricated or induced illness, female genital mutilation, children who harm other children, private fostering, etc, and the local procedures to respond to risks.

#### **3.2 Children and the court system**

- 3.2.1 Making child arrangements via the family courts following separation can be stressful and entrench conflict in families. This can be stressful for children. The Ministry of Justice has launched an online child arrangements information tool with clear and concise information on the dispute resolution service. This may be useful for some parents and carers.
- 3.2.2 The Nursery need to be mindful of the stress of these situations and signposting parents to external resources where necessary. Equally the impact upon staff of managing these situations also needs to be considered.

#### **3.3 Children missing from education**

- 3.3.1 All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and child criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future.
- 3.3.2 If a child is absent from Nursery without an explanation the following procedures would take place:-

- **Contact either parent if they have not rung in by 10am or 2pm and leave a message to contact the office.**
- **On the next day if no contact has been made staff will phone again to establish contact and check everything to ensure a conversation has been had with a carer.**
- **If no contact established the staff would then use the alternative emergency contact number to find out what is happening.**
- **If concerns are raised and no contact is made the staff would contact the Local authority or the Police.**

3.3.3 All staff should be aware of the nursery's Admissions and Attendance policy and procedures should a child be absent without explanation.

### **3.4 Children with family members in prison**

3.4.1 Approximately 200,000 children have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. NICCO provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

### **3.5 Child sexual exploitation**

3.5.1 Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact: it can also occur through the use of technology. Like all forms of child sex abuse, child sexual exploitation:

- can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex;
- can still be abuse even if the sexual activity appears consensual;
- can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity;
- can take place in person or via technology, or a combination of both;
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence;
- may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media);
- can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse; and
- is typified by some form of power imbalance in favour of those perpetrating the abuse. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

3.5.2 Some of the following signs may be indicators of child sexual exploitation:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;

- children who have older boyfriends or girlfriends;
- children who suffer from sexually transmitted infections or become pregnant;
- children who suffer from changes in emotional well-being;
- children who misuse drugs and alcohol;
- children who go missing for periods of time or regularly come home late; and
- children who regularly miss school or education or do not take part in education.

### **3.6 Child criminal exploitation: county lines**

3.6.1 Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered. Like other forms of abuse and exploitation, county lines exploitation:

- can affect any child or young person (male or female) under the age of 18 years;
- can affect any vulnerable adult over the age of 18 years;
- can still be exploitation even if the activity appears consensual;
- can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence;
- can be perpetrated by individuals or groups, males or females, and young people or adults; and
- is typified by some form of power imbalance in favour of those perpetrating the exploitation.

3.6.2 Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources.

### **3.7 Domestic abuse**

3.7.1 The cross-government definition of domestic violence and abuse is:

3.7.2 Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

The abuse can encompass, but is not limited to:

- psychological;
- physical;
- sexual;
- financial; and
- emotional

3.7.3 Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life.

### **3.8 Homelessness**

- 3.8.1 Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst referrals and or discussion with the Local Housing Authority should be progressed as appropriate, this does not, and should not, replace a referral into children's social care where a child has been harmed or is at risk of harm.
- 3.8.2 The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live. The following factsheets usefully summarise the new duties: Homeless Reduction Act Factsheets. The new duties shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis.
- 3.8.3 In most cases nursery staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis. (However, it should also be recognised in some cases 16 and 17 year olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Children's services will be the lead agency for these young people and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child's circumstances. )

### **3.9 So-called 'honour-based' violence**

- 3.9.1 So-called 'honour-based' violence (HBV) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving "honour" often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBV are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

### **3.10 Actions**

- 3.10.1 If staff have a concern regarding a child that might be at risk of HBV or who has suffered from HBV, they should speak to the designated safeguarding lead (or deputy). As appropriate, they will activate local safeguarding procedures, using existing national and local protocols for multiagency liaison with police and children's social care. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on **practitioners/teachers** that requires a different approach (see following section).

### **3.11 FGM**

- 3.11.1 FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

### **3.12 FGM mandatory reporting duty for practitioners**

- 3.12.1 Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers/practitioners** along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions. It will be rare for practitioners to see visual evidence, and they should **not** be examining pupils, but the same definition of what is meant by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at: Mandatory reporting of female genital mutilation procedural information.
- 3.12.2 Teachers/practitioners **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the practitioner has good reason not to, they should still consider and discuss any such case with the nursery’s designated safeguarding lead (or deputy) and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the practitioner does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, practitioners should follow nursery safeguarding procedures.

### **3.13 Forced marriage**

- 3.13.1 Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Nurseries, schools and colleges can play an important role in safeguarding children from forced marriage. Etc (*Staff may become aware through children who are siblings of an older sister or brother that the older child is being forced into marriage.*)
- 3.13.2 The Forced Marriage Unit has published statutory guidance and Multi-agency guidelines, with pages 35-36 of which focus on the role of schools and colleges. School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email [fm@fco.gov.uk](mailto:fm@fco.gov.uk).

### **3.14 Further Information on Online Safety (use of ICT, the internet, mobile technology and social media)**

- 3.14.1 The nursery has an E- Safety policy which includes guidance for all parents and staff in relation to online safety and advice on educating children when using the internet and social media. There are appropriate filtering and monitoring systems in place. Staff are encouraged to report their concerns if they believe that children are using the internet, mobile technology or social media inappropriately (e.g. sexting). In these instances the DSL will review the circumstances and speak with parents and make appropriate referrals as necessary.

For further information see Keeping Children Safe in Education Annex C.

### **3.15 Preventing radicalisation**

3.15.1 Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a nursery's, schools' or colleges' safeguarding approach. Extremism is the vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces. Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

3.15.2 There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet).

However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. As with other safeguarding risks, staff should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a referral to the Channel programme.

### **3.16 The Prevent duty**

3.16.1 All nurseries, schools and colleges are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty.

3.16.2 The Prevent duty should be seen as part of nurseries, schools' and colleges' wider safeguarding obligations. Designated safeguarding leads and other senior leaders should familiarise themselves with the Revised Prevent duty guidance: for England and Wales, especially paragraphs 57-76 which are specifically concerned with schools (and also covers childcare). The guidance is set out in terms of four general themes: Risk assessment, working in partnership, staff training, and IT policies.

### **3.17 Additional support**

3.17.1 The department has published advice for nurseries, schools on the Prevent duty. The advice is intended to complement the Prevent guidance and signposts other sources of advice and support.

3.17.2 There is additional guidance: Prevent duty guidance: for further education institutions in England and Wales that applies to colleges.

3.17.3 Educate Against Hate, a website launched by the Her Majesty's Government has been developed to support and equip school and college leaders, teachers, and parents with information, tools and resources (including on the promotion of fundamental British values) to help recognise and address extremism and radicalisation in young people. The platform provides information on and access to training resources for practitioners, teachers, staff and nursery, school and college leaders, some of which are free such as Prevent e-learning, via the Prevent Training catalogue. Our staff access Prevent e-learning on the East Sussex Learning Portal.

### **3.18 Channel**

3.18.1 Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It

provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages. Guidance on Channel is available at: Channel guidance, and a Channel awareness e-learning programme is available for staff at: Channel General Awareness.

- 3.18.2 The nursery, school or college's Designated Safeguarding Lead (and any deputies) should be aware of local procedures for making a Channel referral. As a Channel partner, the nursery, school or college may be asked to attend a Channel panel to discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required.

### **3.19 Peer on peer abuse**

- 3.19.1 Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

### **3.20 Sexual violence and sexual harassment between children in nurseries, schools and colleges**

#### **3.20.1 Context**

- 3.20.2 Sexual violence and sexual harassment can occur between two children of **any** age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

- 3.20.3 Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

- 3.20.4 Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys"; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras fastenings and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

### **3.21 What is Sexual violence and sexual harassment?**

#### **3.21.1 Sexual violence**

- 3.21.2 It is important that nursery, school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

**3.21.3 Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**3.21.4 Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**3.21.5 Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

**3.21.6 What is consent?** Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

### **3.21.7 Sexual harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos;
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media; and
  - sexual exploitation; coercion and threats

### **3.21.8 The response to a report of sexual violence or sexual harassment**

3.21.7.1 The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

## **3.22 Further Information on Self-harm and suicidal behaviour**

3.22.1 Definition - Self harm, self-mutilation, eating disorders, suicide threats and gestures by a child must always be taken seriously and may be indicative of a serious mental or emotional disturbance.

3.22.2 Refer to the Pan-Sussex Child Protection and Safeguarding Procedures for guidance on recognition, reporting and a child presenting at educational establishment.

Pan-Sussex Child Protection and Safeguarding Procedures -

<https://sussexchildprotection.procedures.org.uk/page/contents>

### **3.23 Further information on Private Fostering**

3.23.1 Parents and carers often fail to notify schools about private fostering arrangements even though they are legally required to notify Children's Services. Often this is because they are unaware of the requirements. They believe that this is a private family arrangement which does not concern anybody else.

3.23.2 Private Fostering definition

Private fostering occurs when a child under 16 (or 18 if the child is disabled) is cared for and lives with an adult who is not a relative for 28 days or more. This could be a step parent (by marriage or civil partnership), grandparent, step grandparent, brother, sister, uncle or aunt.

3.23.3 Private fostering is a private arrangement made by the parent(s), (or those with parental responsibility) for someone to care for their child because they are unable to do so (permanently or temporarily). This may be due to a number of reasons such as parental ill health, a parent going abroad or in to prison, a child being bought to the UK to study English or the relationship between the child and parent has broken down.

3.24.4 Nursery and school staff play an essential role in identifying privately fostered children. If you know a child is being privately fostered you should advise the parent/carer that they have a legal obligation to report the arrangement to Children Social Care at least six weeks before it happens or within 48 hours if the arrangement is current having been made in an emergency.

3.24.5 Alert your Designated Safeguarding Lead who will ensure this is followed up with Children Social Care and the arrangement is assessed, approved and monitored.

## **4 RECOGNITION – WHAT TO LOOK FOR**

4.1 Staff members should refer to the detailed information about the categories of abuse and risk indicators in the <https://sussexchildprotection.procedures.org.uk/page/contents> for further guidance.

4.2 In an abusive relationship, the child may:

- appear frightened of their parent(s)
- act in a way that is inappropriate to their age and development, although full account needs to be taken of different patterns of development and different ethnic groups
- however, they may also not exhibit any signs of stress/fear

4.3 In an abusive relationship, the parent or carer may:

- persistently avoid child health services and treatment of the child's illnesses
- have unrealistic expectations of the child
- frequently complain about or to the child and fail to provide attention or praise

- be absent
  - be misusing substances
  - persistently refuse to allow access on home visits by professionals
  - be involved in domestic violence and abuse
  - be socially isolated
- 4.4 Serious case reviews have found that parental substance misuse, domestic abuse and mental health problems, sometimes referred to as the 'toxic trio', if they coexist in a family could mean significant risks to children. Problems can be compounded by poverty, frequent house moves or eviction.
- 4.5 Staff should be aware that children with special educational needs and disabilities can face additional safeguarding challenges including:
- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability
  - children with special educational needs and disabilities are particularly vulnerable to bullying and often show no outward signs
  - communication issues can be a barrier to effective safeguarding

## **5 ALLEGATIONS AND DISCLOSURES OF PEER ON PEER ABUSE**

- 5.1 At our nursery we believe that all children have a right to attend and learn in a safe environment. Children should be free from harm by adults in the school and other children.
- 5.2 Peer on peer abuse does not occur in a vacuum, it occurs in a society where there are structures and norms that shape young people's views, experiences and behaviours, as well as responses to them.
- 5.3 Gender can be a factor within peer on peer abuse, in that it is more likely that girls will be victims and boys perpetrators.
- 5.4 All peer on peer abuse is unacceptable and will be taken seriously, it will never be tolerated or passed off as "banter", "just having a laugh" or "part of growing up".
- 5.5 There are different forms of peer on peer abuse, such as:
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm.
  - Sexting (also known as youth produced sexual imagery).
  - Sexual violence and sexual harassment.
  - Initiation/hazing type violence and rituals.
- 5.6 All reports of peer on peer abuse will be reported to the DSL and recorded on the safeguarding files for each child involved. The DSL will analyse the information and take action as necessary and record the outcome.
- 5.7 In the case of physical abuse, consideration will be given as to whether it may be appropriate for the nursery to make use of the behaviour policy(which includes anti-bullying) to resolve the issue.
- 5.8 Should the staff be concerned about sexting in the families of our children the nursery will follow the UK Council for Child Internet Safety (UKCCIS) advice for schools and colleges on responding to sexting incidents. Based upon this, when determining a response the school will consider:

- Whether there is an immediate risk to a young person or young people
- If a referral should be made to the police and/or children's social care
- If it is necessary to view the imagery in order to safeguard the young person – in most cases, imagery will not be viewed
- What further information is required to decide on the best response
- Whether the imagery has been shared widely and via what services and/or platforms. This may be unknown.
- Whether immediate action should be taken to delete or remove images from devices or online services
- Any relevant facts about the young people involved which would influence risk assessment
- If there is a need to contact another school, college, setting or individual
- Whether to contact parents or carers of the pupils involved - in most cases parents will be involved

5.9 The nursery will always make a referral to the police and/or children's social care if:

- The incident involves an adult
- There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example, owing to special educational needs)
- What is known about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
- The imagery involves sexual acts and any pupil in the imagery is under 13
- There is reason to believe a young person is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or self-harming

5.10 In the case of sexual violence or sexual harassment:

- The nursery recognise that reports of this nature are likely to be complex.
- All decisions will be made on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Important considerations will include:

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered;
- The nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- The ages of the children involved;
- The developmental stages of the children involved;
- Any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- If the alleged incident is a one-off or a sustained pattern of abuse;
- Are there ongoing risks to the victim, other children, adult students or school or college staff; and
- Other related issues and wider context.

5.11 Initiation/hazing type violence and rituals are likely to be complex and may involve a range of behaviours. The nursery will manage reports of such activity on a case by case basis applying the same principles and considerations as outlined above for other types of peer on peer abuse.

### **5.12 Referrals to other agencies**

- Any report which involves activity which is suspected of being a crime: the school will refer to the police.
- Any report which involves activity which places a child at level 3 or 4 on the continuum of need: the nursery will refer to children's social care.
- The nursery will give consideration to what other agencies or resource might be of support to children and families, seeking consent and making referrals as necessary.

### **5.13 Responding to reports of peer on peer abuse**

5.13.1 All victims will be reassured that they are being taken seriously and that they will be supported and kept safe.

5.13.2 When being made aware of a disclosure or report of peer on peer abuse all staff will:

- Not promise confidentiality
- Be supportive and respectful of the child;
- Listen carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc;
- Record the facts as the child presents them, without reflecting the personal opinion of the note taker as such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation;
- If possible, have two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible; and informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

### **5.14 Risk Assessment**

5.14.1 When there has been a report of peer on peer abuse the DSL will make an immediate risk and needs assessment, using the ESCC Safeguarding Risk Reduction Plan (SRRP) for Schools and Education Settings.

5.14.2 In all cases of peer on peer abuse, but especially those involving sexual violence and/or sexual harassment, the risk and needs assessment should consider:

- The victim, especially their protection and support;
- The alleged perpetrator; and
- All the other children (and, if appropriate, adult students and staff) at the nursery, especially any actions that are appropriate to protect them;

5.14.3 Risk assessments or the Safeguarding, SRRP will be recorded in writing and will be kept under review. At all times, the nursery will be actively considering the risks posed to all pupils and putting proportionate measures in place to protect them and keep them safe.

5.14.4 The DSL will engage with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required.

Any such professional assessments will be used to inform the nursery's approach to supporting and protecting pupils and updating any nursery- based risk assessment or SRRP.

#### **5.15 Minimising the risk of peer on peer abuse**

- 5.15.1 We will provide a developmentally appropriate PSHE syllabus which develops pupils' understanding of acceptable behaviour and keeping themselves safe.

In the Early Years this follows the advisory documents 'Development Matters' and the Government requirement of the EYFS. In practice children are taught to respect each other, and how to make friends and value all kinds of people eg by playing sharing games, social stories, circle times, multicultural activities, etc

- 5.15.2 Have systems in place for any child to raise concerns with staff, knowing they will be listened to, believed and valued.

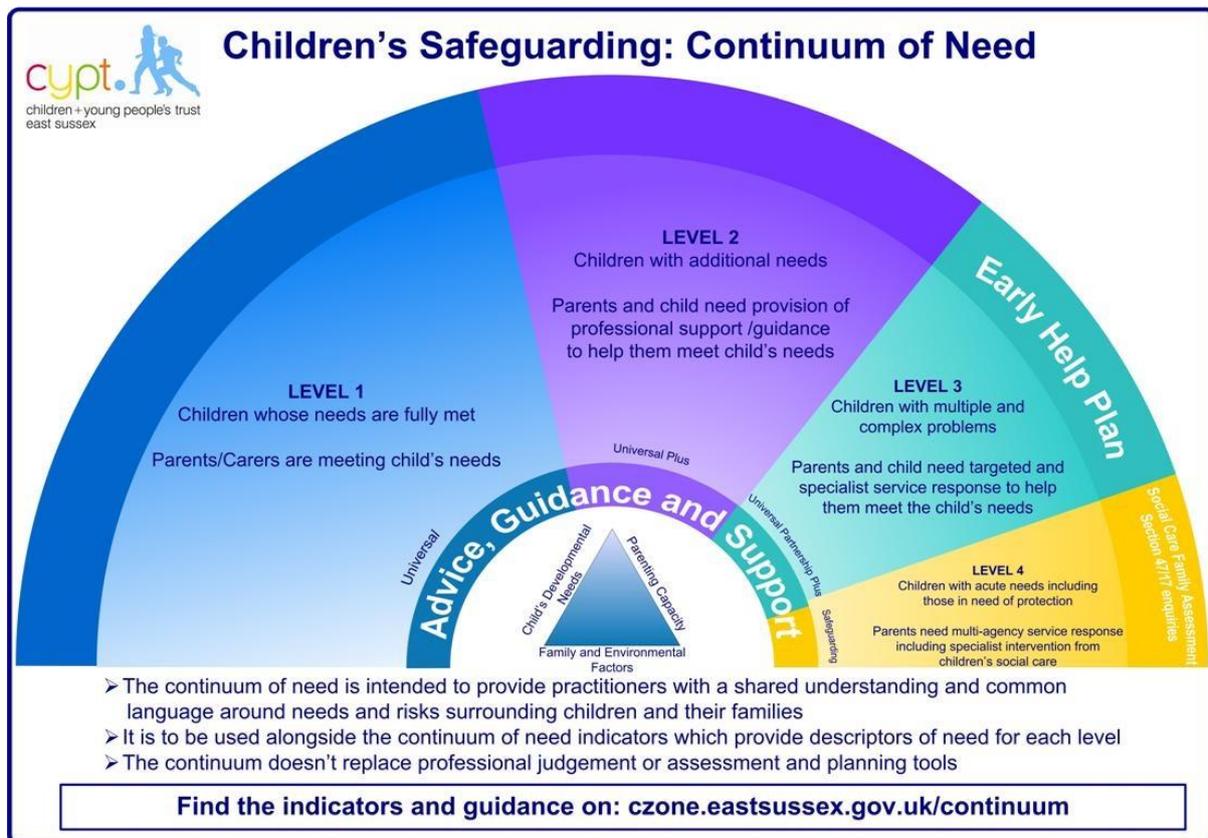
- 5.15.3 Deliver targeted work on assertiveness and keeping safe to those pupils identified as being at risk.

- 5.15.4 Where the nursery is advised that a pupil may present a risk to other children, due to a factor outside of nursery such as experiencing abuse themselves, a Safeguarding Risk Reduction Plan will be completed to ensure that all children at nursery can be safeguarded.

### **6 SAFEGUARDING CHILDREN CONTINUUM OF NEED**

- 6.1 The Safeguarding Children Continuum of Need has been developed so that everyone working with children in East Sussex has a common language for understanding the needs and risks surrounding children and their families. It is important that all members of staff are familiar with it.

- 6.2 The Continuum of Need shows that a child's or family's additional needs can be on a range from one to four, and that needs can shift from early help to child protection and back to preventative early help. It covers children whose needs are increasing as well as children whose needs are decreasing after Children's Social Care involvement. The Continuum of Need will help practitioners to identify the right level of support for the child in the least intrusive way while keeping the child safe.



**6.3 The Continuum of Need identifies four levels of need.**

Level 1:

- children who are achieving expected outcomes
- their needs are met by their parents and by accessing universal services such as health and education
- they do not have additional needs

Level 2:

- children with additional needs
- parents need professional support or guidance to help them meet their children's needs
- extra support can usually be provided by agencies that already know the family, e.g. their pre-school, school or college or NHS community services such as Health Visiting

Level 3:

- children with multiple and complex needs
- children and parents need targeted early help or specialist services to meet the children's needs
- needs are met through multi-agency support and the use of Early Help Plans

Level 4:

- children with acute needs, including those in need of protection
- children and parents need multi-agency responses which include specialist intervention from Children's Social Care through the family assessment process

**6.4 By referring to the Continuum of Need and indicators, the nursery can identify when assessment and support for a child and family need 'stepping up' to a referral to**

Social Care and when the needs of a child and their family have been reduced enough for them to be 'stepped down' to early help services.

## **7 WHAT ACTION TO TAKE IF YOU HAVE CONCERNS ABOUT A CHILD**

- 7.1 When concerned about the welfare of a child, staff should always act in the best interests of the child.
- 7.2 If staff are unsure, they should always speak to the DSL or deputy DSL.
- 7.3 If staff have any concerns about a child's welfare, they should act on them immediately.
- 7.4 Staff should not assume a colleague or another professional will take action.
- 7.5 The DSL or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the DSL (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from SPoA. In these circumstances, any action taken should be shared with the DSL (or deputy) as soon as is practically possible.
- 7.6 At this nursery all concerns should be reported using the welfare/incident concern form, which is available from the offices.

## **8 DEALING WITH A DISCLOSURE MADE BY A CHILD – ADVICE FOR ALL MEMBERS OF STAFF**

- 8.1 If a child discloses that he or she has been abused in some way, the member of staff or volunteer should follow this guidance.
- Listen to what is being said without displaying shock or disbelief.
  - Only ask questions when necessary to clarify.
  - Accept what is being said.
  - Allow the child to talk freely – do not put words in the child's mouth.
  - Reassure the child that what has happened is not his or her fault.
  - Do not make promises that you may not be able to keep.
  - Do not promise confidentiality – it may be necessary to refer the child to Children's Social Care.
  - Stress that it was the right thing to tell.
  - Do not criticise the alleged perpetrator.
  - Explain what has to be done next and who has to be told.
  - Inform the DSL without delay.
  - Complete the child protection incident/welfare concern paper form and pass it to the DSL.
  - Dealing with a disclosure from a child and safeguarding issues can be stressful. Consider seeking support for yourself and discuss this with the DSL.

## **9 DISCUSSING CONCERNS WITH THE FAMILY AND THE CHILD – ADVICE FOR THE DESIGNATED SAFEGUARDING LEAD**

- 9.1 In general, you should always discuss any concerns the nursery may have with the child's parents. They need to know that you are worried about their child. However, you should not discuss your concerns if you believe that this would place the child at greater risk or lead to loss of evidence for a police investigation.

- 9.2 **If you make a decision not to discuss your concerns with the child's parents or carers** this must be recorded in the child's safeguarding file with a full explanation for your decision.
- 9.3 **It is important to consider the child's wishes and feelings**, if age appropriate, as part of planning what action to take in relation to concerns about their welfare.
- 9.4 When talking to children, you should take account of their age, understanding and preferred language, which may not be English. It is also important to consider how a disabled child may need support in communicating.
- 9.5 How you talk to a child will also depend on the substance and seriousness of the concerns. You may need to seek advice from Children's Social Care or the police to ensure that neither the safety of the child nor any subsequent investigation is jeopardised.
- 9.6 If concerns have arisen as a result of information given by a child, it is important to reassure the child but not to promise confidentiality.
- 9.7 **It is expected that you discuss your concerns with the parents and seek their consent to making a referral to Children's Social Care, unless you consider that this would place the child at increased risk of significant harm.**
- 9.8 **You do not need the parents' consent to make a referral if you consider the child is in need of protection**, although parents will ultimately be made aware of which organisation made the referral.
- 9.9 If parents refuse to give consent to a referral but you decide to continue, you need to make this clear to Children's Social Care.
- 9.10 **If you decide to refer the child without the parents' consent, make sure to record this with a full explanation of your decision.**
- 9.11 When you make your referral, you should agree with Children's Social Care what the child and parents will be told, by whom and when.

## **10 EARLY HELP FOR CHILDREN AND FAMILIES**

- 10.1 Most parents can look after their children without the need of help other than from their family or friends. However, some parents may need additional help from our school or other services such as the NHS. Providing help early is more effective in promoting the welfare of children than reacting later.
- 10.2 Any child may benefit from early help, but all staff should be particularly alert to the potential need for early help for a child who:
- is disabled and has specific additional needs;
  - has special educational needs (whether or not they have a statutory education, health and care plan);
  - is a young carer;
  - is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
  - is frequently missing/goes missing from care or from home;
  - is misusing drugs or alcohol themselves;
  - Is at risk of modern slavery, trafficking or exploitation;
  - is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;

- has returned home to their family from care;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child.

*Staff may find these concerns may be appropriate for members of their children's families and indirectly for the child.*

- 10.3 Our nursery will work together with other agencies to provide a coordinated offer of early help, in line with *Working Together to Safeguard Children July 2018* and local guidance, to any child who needs it.
- 10.4 We will pool our knowledge within the nursery and with other agencies about which families or children need additional support in a range of ways so that we can work out how best to help them. We will use the East Sussex Safeguarding Continuum of Need tool to identify what level of need the child or their family has.
- 10.5 We will work closely with targeted early help services and Children's Social Care if we feel families need more support and input, or children are at risk of harm, and we will continue to provide support if other services are also needed.
- 10.6 We will talk to the family about referral to a targeted early help service and explain that there may be a need to involve other professionals, including talking to a social worker about our concerns. We will seek the family's consent for the referral.
- 10.7 If the family does not consent to an early help service, we will make a judgement about whether the needs of the child will escalate or the child will become unsafe without help. If our judgement is that the needs or concerns will escalate, then we will contact the Children's Social Care Single Point of Advice for a consultation with a qualified social worker in order to make a shared decision about whether the level of concerns calls for a referral to Children's Social Care.

## **11 CHILDREN'S SOCIAL-CARE-LED RESPONSES TO CONCERNS ABOUT A CHILD**

- 11.1 Once Children's Social Care has accepted our referral as needing a social-care-led response (Level 4 of the Continuum of Need), we will cooperate with Children's Social Care and the police in any emergency action they take using their legal powers for immediate protection of the child.
- 11.2 We will participate in any multi-agency discussions (strategy discussions), if invited to do so, and share information about the child and their family to plan the response to concerns.
- 11.3 We will ensure that a relevant staff member participates in all initial and review child protection conferences, if we are invited to attend. The staff member will work together with other agencies to discuss the need for and agree to an outcome-focused child protection plan and will ensure that the child's wishes and views are considered in their own right in planning.
- 11.4 If we are members of the core group to implement a child protection plan, we will ensure a relevant staff member participates in all core group meetings.

- 11.5 We will ensure that we complete all actions allocated to us as part of the outcome-focused plan, whether a child protection plan or a family support plan, in a timely way.
- 11.6 We will continue to monitor children once their plans are ended to ensure that they are supported and kept safe.

## 12 INFORMATION SHARING AND CONSENT

- 12.1 It is essential that people working with children can confidently share information as part of their day-to-day work. This is necessary not only to safeguard and protect children from harm but also to work together to support families to improve outcomes for all.
- 12.2 The nursery may have to share information about parents or carers, such as their medical history, disability or substance misuse issues, for investigations of child abuse carried out by Children's Social Care.
- 12.3 We will proactively seek out information as well as sharing it. This means checking with other professionals whether they have information that helps us to be as well informed as possible when working to support children.
- 12.4 The Data Protection Act 2018 and the General Data Protection Regulations 2018 are not barriers to sharing information and **do not change duties under safeguarding**. They are there to ensure that personal information is managed in a sensible way and that a balance is struck between a person's privacy and public protection.
- 12.5 We should be sharing any concerns we have with parents at an early stage, unless this would put a child at greater risk or compromise an investigation. Parents need to know what our responsibilities are for safeguarding and protecting children and that this involves sharing information about them with other professionals.
- 12.6 Be clear about the purpose of sharing confidential information and only share as much as you need to achieve your purpose.
- 12.7 Try to get consent from parents (or the child, if they have sufficient understanding<sup>1</sup>) to share information, if possible. However, **you do not need consent if you have serious concerns about a child's safety and well-being. If you decide to share information without consent, you should record this with a full explanation of your decision.**
- 12.8 **Consent should not be sought from parents or carers (or the child, if they have sufficient understanding), if:**
- it would place a child at increased risk of harm; or
  - it would place an adult at risk of serious harm; or
  - it would prejudice a criminal investigation; or
  - it would lead to unjustified delay in making enquiries about allegations of significant harm to a child; or
  - required by law or a court order to share information.
- 12.9 **Consent is not necessary** in cases where Children's Social Care are making child protection enquiries under section 47 of the Children Act 1989. Information needs to

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<sup>1</sup> Children aged 12 or over may generally be expected to have sufficient understanding. Younger children may also have sufficient understanding. All people aged 16 and over are presumed, in law, to have the capacity to give or withhold their consent, unless there is evidence to the contrary.

be shared with Children's Social Care; staff members must make sure to record what information has been shared.

**12.10 Consent is necessary, for:**

- Children's Social Care investigations or assessments of concerns under section 17 of the Children Act 1989. Children's Social Care will assume that we have obtained consent from the parents to share information unless we make them aware that there is a specific issue about consent. This must be discussed with a social worker in the Single Point of Advice.
- Early help (level 3) referrals and assessments. Assessments are undertaken with the agreement of the child and their parents or carers.

12.11 If you are in any doubt about the need for seeking consent, get advice from the DSL or from the Children's Social Care Single Point of Advice.

12.12 Keep a record of your decision to share information, with or without consent, and the reasons for it. Remember also that it is just as important to keep a record of why you decided not to share information as why you did so.

### **13 RECORD KEEPING**

13.1 Accurate and timely record keeping is an important part of the nursery's accountability to children and their families and will help us in meeting our key responsibility to respond appropriately to welfare concerns about children.

13.2 Records should be factual, accurate, relevant, up to date and auditable. They should support monitoring, risk assessment and planning for children and enable informed and timely decisions about appropriate action to take.

13.3 All staff members, directors, volunteers, contractors and activity providers should ensure that they record and report safeguarding concerns in line with guidance from the East Sussex Local Safeguarding Children Board (LSCB) – *Keeping Records of Child Protection and Welfare Concerns Guidance for Early Years Settings, Schools and Colleges July 2017*.

13.4 The DSL will ensure that records are maintained accurately for children with safeguarding concerns and that stand-alone files are created and maintained in line with requirements of the above guidance.

### **14 PROFESSIONAL CHALLENGE AND DISAGREEMENTS**

14.1 Working with children and families, and in particular child protection work, is stressful and complex, as well as involving uncertainty and strong feelings. To ensure that the best decisions are made for children, we need to be able to challenge one another's practice.

14.2 We will promote a culture within our nursery that enables all staff members to raise, without fear of repercussions, any concerns they may have about the management of safeguarding in the nursery. This may include raising concerns about decisions, action and inaction by colleagues about individual children. If necessary, staff members will speak with the Designated Safeguarding Lead/Nursery manager, or the chair of the board of directors..

14.3 Cooperation across agencies is crucial; professionals need to work together, using their skills and experience, to make a robust contribution to safeguarding children

and promoting their welfare within the framework of discussions, meetings, conferences and case management.

- 14.4 If there are any professional disagreements with practitioners from other agencies, the DSL or the nursery manager will raise concerns with the relevant agency's safeguarding lead in line with guidance in the Pan-Sussex Child Protection and Safeguarding Procedures
- 14.5 If the nursery disagrees with the child protection conference chair's decision, the DSL or the nursery manager will consider whether they wish to challenge it further and raise the matter with Children's Services Head of Safeguarding.

## **15 SAFER RECRUITMENT**

- 15.1 Our nursery has robust recruitment and vetting procedures to help prevent unsuitable people from working with children.
- 15.2 Our job advertisements and application packs make explicit reference to the school's commitment to safeguarding children, including compliance with the Disclosure and Barring Service (DBS) process and clear statements in the job description and person specification about the staff member's safeguarding responsibilities.
- 15.3 All staff members who have contact with children, young people and families will have appropriate pre-employment checks, which will be scrutinised, in line with *Keeping Children Safe in Education: September 2018*
- 15.4 At least one member on every short listing and interview panel will have completed safer recruitment training. The nursery manager is responsible for ensuring that safer recruitment training is kept up to date.
- 15.5 The nursery manager and the nominated director for child protection are responsible for ensuring that our **single central record** is accurate and up to date.

## **16 PROCEDURE FOR MANAGING ALLEGATIONS OF ABUSE MADE AGAINST EDUCATIONAL ESTABLISHMENT STAFF MEMBERS AND VOLUNTEERS**

- 16.1 Our aim is to provide a safe and supportive environment which secures the well being and very best outcomes for the children at our nursery. We do recognise that sometimes the behaviour of adults may lead to an allegation of abuse being made.
- 16.2 Allegations sometimes arise from a differing understanding of the same event, but when they occur they are distressing and difficult for all concerned. We also recognise that some allegations are genuine and there are some adults who deliberately seek to harm or abuse children.
- 16.3 We will take all possible steps to safeguard our children and to ensure that the adults in our nursery are safe to work with children. We will always ensure that the procedures outlined in Part 4 of Keeping Children Safe in Education September 2018 are adhered to and will follow the flowchart in Appendix C.
- 16.4 If an allegation is made or information is received about an adult who works in our nursery which indicates that they may be unsuitable to work with children, the member of staff receiving the information should inform the nursery manager immediately. Should an allegation be made against the nursery manager, this will be reported to the Chair of the Board of Directors. In the event that neither the nursery manager nor Chair of Directors are not contactable on that day, the information must

be passed to and dealt with by either the member of staff acting as nursery manager or a HR Director.

- 16.5 The nursery manager or Chair of Directors will follow the flowchart in Appendix C. No member of staff or the directors will undertake further investigations before receiving advice from Single Point of Advice or LADO.
- 16.6 Any member of staff or volunteer who does not feel confident to raise their concerns with the nursery manager or Chair of the directors should follow the flowchart in Appendix C and make the appropriate contact direct.
- 16.7 Supporting people:
- The nursery together with Children’s Social Care and the police, if they are involved, will consider the impact on the child concerned and provide support as appropriate.
  - The nursery manager will ensure that the child and family are kept informed of the progress of the investigation.
  - The Personnel/HR lead for the organisation will be contacted at the earliest opportunity for advice in relation to the investigation of any allegation in line with the Councils’ Disciplinary Policy, where appropriate.
  - The staff member who is the subject of the allegation will be advised to contact their union, professional association or a colleague for support, (depending on the outcome of the safeguarding strategy meeting which is normally chaired by the LADO).
  - The HR lead for the organisation will ensure that the staff member is provided with appropriate support, if necessary, through occupational health or welfare arrangements.
  - The nursery manager will appoint a named representative to keep the staff member updated on the progress of the investigation; this will continue during any police or section 47 investigation or disciplinary investigation.
  - The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the practitioner who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the practitioner by members of the public).
- 16.8 The nursery has a legal duty to refer to the Disclosure and Barring Service (DBS) anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. If these circumstances arise in relation to a member of staff at our nursery, a referral will be made as soon as possible after the resignation or removal of the individual in accordance with advice from the LADO.

## **17 THE USE OF ‘REASONABLE FORCE’**

- 17.1 There are circumstances when it will be appropriate for staff to use reasonable force to safeguard children. The term ‘reasonable force’ covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. ‘Reasonable’ in these circumstances means ‘using no more force than is needed’. The use of force may involve either passive

physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

- 17.2 Further guidance on the use of reasonable force and positive handling should be sought within the Behaviour policy.
- 17.3 When managing incidents of positive handling the nursery will consider whether to liaise with the LADO, where it is thought that the physical intervention may lead to an allegation.

**Managing Allegations Flowchart**

