

Smisby Day Nursery

Policy



Subject: Safeguarding Children and Every Child Matters

Policy Statement

It is the aim of this policy for all staff to be aware of the signs and symptoms of abuse and to follow the procedures and to support, the 5 outcomes of Every Child Matters. It promotes strategies of:

- Being Healthy
 - Ensuring that children are able to remain mentally and emotionally healthy
 - Supporting parents in keeping their children healthy
- Staying Safe
 - Ensuring that children are safe from maltreatment, neglect, violence and sexual exploitation
 - Keeping children safe from accidental injury and death
 - Working with agencies to safeguard children in accordance with current government guidance
- Enjoy & Achieve
 - Ensuring children develop appropriately for their age and have the right level of support
 - Encouraging parents to support their children's development
- Making A Positive Contribution
 - Parents support their children's social and emotional development
 - Children are supported in managing changes and responding to challenges in their lives
 - Ensuring that children choose to engage in law abiding and positive behaviour
- Achieve Economic Well Being
 - Families are supported in maximising their child's enjoyment of the Nursery
 - Parents support their children in preparation for school life

Terms of Reference:

Section 47(1) The Children's Act 1989 - "The local authority has a duty to investigate situations where it has 'reasonable cause to suspect that a child who lives, or is found in their area is suffering; or likely to suffer significant harm'. Enquiries must be made to decide whether it should take any action to safeguard the child's welfare."

Safeguarding Vulnerable Groups Act 2006 –

- (i) unsuitable persons should be barred from working with children (or vulnerable adults)
- (ii) employers should have a straightforward means of checking that a person is not barred from working with children (or vulnerable adults)
- (iii) suitability checks should not be one-offs: they should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check

Working together to safeguard Children - "Everyone shares responsibility for safeguarding and promoting the welfare of children and young people, irrespective of individual roles. Nevertheless, in order that organisations and practitioners collaborate effectively, it is vital that all partners who work with children – including local

authorities, the police, the health service, the courts, professionals, the voluntary sector and individual members of local communities – are aware of, and appreciate, the role that each of them play in this area.”

Smisby Day Nursery follows and takes account of the Derbyshire Early Years” child protection procedures outlined in the “Safeguarding Children” Handbook.

Categories of concern

Neglect

The persistent or severe neglect of a child which results in significant impairment of the child’s health or development. e.g.

- Failure to provide adequate food, clothing or shelter (including abandonment or exclusion from home)
- Failure to protect from physical or emotional harm
- Failure to meet child’s basic emotional needs
- Failure to ensure adequate supervision
- Failure to ensure access to appropriate medical care

Physical Abuse

- Deliberate or intended injury to a child. (Hitting shaking, throwing, burning, scalding, drowning, suffocating, or poisoning.)
- Deliberate inducement of an illness

Sexual Abuse

Actual or likely sexual exploitation. e.g.

- Use of force or enticement to take part in sexual activity penetrative, or non – penetrative
- Involvement in non contact activities such as looking at or making abusive images
- Encouraging children to watch sexual activities
- Encouraging children to behave in sexually inappropriate ways
- Any sexual activity with a child under the age of 16. (with or without agreement)

Emotional Abuse

Persistent or severe emotional ill treatment or rejection which adversely affects the child’s emotional and behavioural development. e.g.

- Conveying to a child that they are worthless, unloved or inadequate
- Overprotection, limiting exploration and learning, preventing normal social interaction or imposing inappropriate expectations
- Causing a child to feel frightened or in danger by the witnessing of violence towards another person whether domestic or not

Recognition of possible abuse

It is extremely difficult to determine if abuse has occurred. Staff should look carefully at the behaviour of their children and be alert for significant changes. Staff should be aware that children may exhibit any of the following without abuse having occurred:

- Disclosure
- Non accidental injury, bruising or marks
- Explanation inconsistent with injury
- Several different explanations for an injury
- Reluctance to give information about an injury
- A sudden change in behaviour – aggression, extroversion, depression, withdrawn
- Attention seeking
- Hyperactivity
- Poor attention
- Appear frightened of parents or family members
- Abnormal attachment between parent and child
- Indiscriminate attachment
- Hyper alertness
- Reduced response
- Frozen watchfulness
- Nightmares
- Anxiety/irritability
- Abdominal pain/headaches
- Poor self esteem
- Poor peer relationships
- Act in an inappropriate way for age
- Over sexualised play/talk or drawings
- Excessive or inappropriate masturbation
- Self harm/eating disorder
- Frequent visits to the toilet (urinary infection)
- Failure to thrive
- Poor hygiene
- Recurrent/untreated infections of skin or head lice
- Untreated health/dental issues
- Frequent absence from Nursery or changes to attendance patterns and times
- Delay in meeting normal developmental milestones

Procedures and responsibilities for all Staff

The procedure route will depend upon the urgency of the situation and whether it is merely a suspicion of abuse, an actual disclosure or an allegation against a member of staff.

Suspicion of Abuse (if abuse is suspected but there has been no disclosure.)

- Ask casual open questions about the nature of the concern e.g. bruises, marks, change in behaviour etc. "Can you tell me about..."
- Believe the child and reassure them that they were right to talk to you
- Record the facts and conversation in writing immediately afterwards using the exact words spoken not implied. Sign and date the report (it may be required as evidence.)
- Report the suspicion to the Designated Person responsible for Safeguarding Children. The Designated Person is clearly identified on the Flowchart and they will take the appropriate action.

Disclosure

- Allow the child to talk – ask only open questions e.g. "Can you tell me more about...." Do not press for detail, put forward your own ideas or use words that the child has not used themselves
- Stay calm and reassuring
- Do not make promises that cannot be kept e.g. confidentiality – tell the child that you will have to tell someone else who will be able to help
- Believe the child but do not apportion any blame to the perpetrator. (it may be someone they love)
- Reassure the child that they were not to blame and they were right to talk to you
- Ask the child if they have told anyone else
- Keep an open mind
- Record the conversation and facts verbatim in writing immediately afterwards (writing notes during the interview may put undue pressure on the child). Sign and date the report (it may be required as evidence)
- Establish details of full name, D.O.B. address and names of parents/guardians
- Report to the Designated Person who will contact the Social Services Department as necessary

An allegation against a member of staff

Allegations against members of staff come through a variety of routes:

- Parents contact the Nursery or OfSTED to make a complaint
- Police discover that a person that they are investigating is a member of Nursery staff
- Children's social care may carry out a Section 47 investigation and discover that a parent is a member of Nursery staff
- Children may tell a member of staff that they are subjected to abuse by a member of staff

Criteria

In accordance with this guidance, where an allegation is made against anyone who works with children at the Nursery that s/he

- Has behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or in relation to a child
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

or where

- Concerns arise about the person's behaviour with regard to his/her own children
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member

The following procedure will be implemented.

Procedure

Responding to allegation or complaint

The person who receives information regarding the allegation will not question the child or investigate the matter any further. They will:

- Treat the matter seriously
- Avoid asking leading questions
- Communicate with the child in a manner appropriate to the child's understanding and communication style
- Make a written record of the information, where possible in the child's own words stating when the alleged incident took place, who was present and what was said to have happened.
- The record must be signed and dated

The person receiving the information will report the matter immediately to the Safeguarding Children Officer, or the Officer in Charge where the allegation involves the SCO. The person to whom the matter is reported will become the Senior Designated Manager, until the allegation is resolved. The Senior Designated Manager will inform the Directors of the allegation.

Initial action by Senior Designated Manager

The Senior Designated Officer may contact the Derbyshire County Council's Local Authority Designated Officer (LADO) for advice on current procedure. (see attached flowchart).

The Senior Designated Manager will not investigate the matter until advice/instruction is given by LADO/Ofsted by interviewing the accused, the child making the allegation or any of the potential witnesses. They will however:

- Obtain written details of the allegation, signed and dated by the person receiving the allegation or complaint
- Countersign and date the written details
- Record any other information about times, dates and location of any incident and the names of any potential witnesses
- Report to Ofsted that an allegation has been made against a member of staff and take their lead from Ofsted about any follow up.

If the allegation meets any of the criteria outlined above, the Senior Designated Manager will refer to the flow chart to take appropriate action and ring Social Services if necessary.

The Senior Designated Manager and the Nursery will cooperate with all relevant authorities involved and will share all relevant information about the person who is the subject of the allegation and the alleged victim to assist in any further investigation.

Informing accused person/Suspension

The Directors will inform the accused person of the allegation as soon as possible after prior consultation with the Senior Designated Manager. The Directors will consider carefully whether the circumstances of the case warrant an immediate suspension of the person involved from contact with children, until the allegation is resolved. Any suspension will be on full pay, until decided otherwise.

Supporting those involved

Parents or carers of any child involved will be told about allegations as soon as possible, after discussion with the Senior Designated Manager as to the most appropriate way this should be done and by whom. In cases where a child has been injured whilst in the Nursery's care, the parents will be informed immediately.

The Directors will keep any staff member who is the subject of an allegation informed of the progress of the case and will arrange appropriate support/advise the accused to see support from their trade union or other relevant professional association.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity.

Record keeping

The Nursery will keep details of any allegations made and how the allegation was followed up and resolved. These records will be kept until the person reaches normal retirement age, or 10 years if that is longer, including for people who leave the Nursery. A copy will be given to the person. The purpose of the record will be to enable accurate information to be given in response to any future request for a reference and to provide clarification for future CRB disclosures.

Outcomes

If after initial consideration between the Senior Designated Manager and Social Services it is clear that police or social care investigations are not necessary, the Senior Designated Manager will be guided by Social Services as to most appropriate action. The nature and circumstances of the allegation and evidence will determine the next course of action. If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within 3 working days. If a disciplinary hearing is required and can be held without any further investigation, the hearing will be held within 5 working days and subsequent procedures, as outlined in the Grievance and Disciplinary Procedures will be followed. If, on conclusion of the case, it is decided that the person can return to work, the Directors will consider how best to facilitate the return and provide relevant support to the staff member and consider how to best manage the person's contact with the child who made the allegation.

The parents/carer of the child will be kept fully informed of any decisions/action taken by the Directors.

Resignations and 'Compromise Agreement'

If an employee resigns or ceases to work for the Nursery, any allegation must still be followed up in accordance with these procedures. 'Compromise agreements' in which a person agrees to resign and the employer agrees not to pursue disciplinary action cannot be used in these situations.

Staff references for future employment

Any staff references will state where an allegation has been made against the employee and will clearly state if the allegation was found to be false or unproven.

If an allegation is substantiated and the employee is dismissed or resigns, the Senior Designated Manager will discuss with Social Services whether and how a referral should be made to the Protection of Children Act (POCA) List or the DfES list 99.

Reviewing practice

At the conclusion of any case, whether the allegation is substantiated or not, the Nursery will review its procedures and practice to help prevent similar events in the future.

Emergency Procedures

If the designated Person is not available, establish the facts and details as above and speak to the Officer in Charge or a Director who will then take the following appropriate action:

1. Phone 0116 3054400. Ask for Social Services – Children and Families
2. Ask for the Duty Social Worker
3. Check to see if the family are already known to Social Services
4. Discuss the situation and ask for advice
5. A social worker may come to the Nursery to talk to the child
6. Establish who will be responsible for informing the parents
7. Social services will contact the police (Child Protection Unit) as necessary
8. If action is taken, follow up the phone call with a referral form. (see Derbyshire Early Years Handbook)

Flowchart

The following page shows the adopted procedure for safeguarding children in Smisby Day Nursery. The notes attached to the flowchart are vital and form an integral part of this policy. Should any member of staff adopt a procedure other than the one shown on the Flowchart there will be a full investigation which could lead to disciplinary action under the rules governing Gross Misconduct.