



Policy Statement

"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."

Managing Safeguarding and Child Protection

This policy is in accordance with relevant legislation, e.g. Section 47(1) of the Children Act 1989, Safeguarding Vulnerable Groups Act 2006, Children and Social Work Act 2017, Ofsted guidelines, Working Together to Safeguard Children 2015, HM Gov Prevent Duty Guidance and the UN Convention on the Rights of the Child.

Smisby Day Nursery Ltd is committed to ensuring the protection of all children and young people from all forms of abuse, neglect and exploitation. We take account of the Derbyshire Safeguarding Children Board Services and Publications.

This policy is mandatory for all staff, and associated professionals who work within the nursery.

This policy must be read in conjunction with the "Child Protection Policy Supporting Notes" and the Policy Flowchart at the end of this policy.

We will work in partnership with Local Child Protection Children's Boards, Local Authority Designated Officers for child protection (LADOs), Ofsted, Schools, GP's, Police, Hospitals and other agencies to effectively keep children safe at all times.

Related Policies that must be read in conjunction with this policy

The following policies must be read in conjunction with this policy as they form an integral part of safeguarding children and staff.

- Photograph, video, tablets and mobile phone Policy
- Behaviour and anti bullying Policy

What constitutes a Child Protection concern?

- When any child says or thinks they have been physically or sexually abused
- When any adult or young person says or thinks they have a concern that a young person has been physically or sexually abused or is engaging in risky or inappropriate sexual behaviour likely to place them at risk of abuse
- When there is reason to believe a child may be or have been a victim of trafficking or sexual exploitation
- When a young person says or thinks they have been singled out for persistent or severe intimidation, rejection, humiliation, severe emotional ill-treatment or an adult knows/thinks that this has occurred
- Any situation which suggests that the child may be at risk of harm

If you have a concern, or a child makes an allegation to you which falls into any of the above categories, then you must immediately inform one of the Designated Child Protection Officers.

Defining Child Abuse

The Department of Health Guide 'Working Together' defines child abuse as 'A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or 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.

Child abuse can take many forms, however as a general rule the younger the child, or those with additional needs or disabilities, the more vulnerable that child will be to physical injury and neglect. Older children are more likely to show signs of emotional abuse, although, all abused children are likely to be emotionally damaged. Sexual abuse occurs at all ages and to both sexes.

Child abuse is generally categorised under the following 4 main headings:

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) causing injuries such as bruising, broken bones, burns or cuts
- Deliberate inducement of an illness

Sexual Abuse

Actual or likely sexual exploitation regardless of the child's level of awareness. 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 including on-line 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, rejection or emotional neglect which adversely affects the child's emotional and behavioural development. e.g.

- Conveying to a child that they are worthless, unloved or inadequate or deliberately trying to scare or humiliate a child
- 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
- Isolating or ignoring them

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

Designated Child Protection Officers

Smisby Day Nursery Ltd's Designated Safeguarding Lead and Deputies are:

Name	Title	Number / Base Room
XXXXX XXXXXXXXX	Designated Lead / Director	XXXXX XXXXXXX
XXXXX XXXXXXXXX	Officer in Charge	Office
XXXXX XXXXXXXXX	Deputy Officer in Charge	Office

XXXXX XXXXXXXXX	Deputy Officer in Charge	Office
XXXXX XXXXXXXXX	Senior Nursery Officer	Baby Room
XXXXX XXXXXXXXX	Senior Nursery Officer	Smizkids
XXXXX XXXXXXXXX	Senior Nursery Officer	Pre School Room
XXXXX XXXXXXXXX	Senior Nursery Officer	Toddler Room
XXXXX XXXXXXXXX	Nursery Officer	Pre School Room
XXXXX XXXXXXXXX	Nursery Officer	Toddler Room

Any one of the above may make a direct referral to the LADO or Social Services Duty Team in their own right (contact details are available on the flow chart). All Practitioners still have the right to make a referral, however, it is best practice to go through the designated person.

Procedures for Adults and all Employees

Smisby Day Nursery Ltd requires any member of staff who has reason to believe that a child is suffering, or likely to suffer, significant harm to inform any Designated Child Protection Officer and record all relevant information. In the case of verbal disclosure, wherever possible quote the actual words used by the child.

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.

If an adult has suspicions that a child is being abused, but no direct evidence exists and no allegations have been made, this should be discussed with any Designated Child Protection Officer making sure that a complete written record has been made.

Smisby Day Nursery Ltd does not have a statutory duty or role in the investigation of any reported act of abuse. However, it does have a role in supporting and not obstructing any investigation which takes place.

It is the responsibility of all employees to make themselves familiar with these procedures.

On receiving information

You may have obtained information about abuse in a number of ways. The child may have disclosed information directly to you, another child or adult may have given you information about an abusive or suspected abusive act, or you may have witnessed injuries to a child. No matter how you have received the information you cannot keep any such allegation or concern to yourself.

Reporting

There is a legal duty to report any incidents of a child protection nature. Failure to report any such incidents could result in legal proceedings being taken and/or lead to disciplinary action being taken against employees.

Smisby Day Nursery Ltd employees, freelance assessors, external trainers, contractors and visitors must report any information or concerns immediately to a Designated Child Protection Officer.

The Directors are available for consultation in the above process, and must be informed of all child protection concerns, whether or not the Designated Child Protection Officer has assessed that the threshold criteria for referral has been met.

Therefore, once the threshold criteria has been established, all incidents of suspected abuse must be promptly reported to the Local Authority in whose area the child lives. The Regulations also state that Ofsted must be informed about the instigation of any child protection enquiries. This is usually at the point that a decision has been made for any investigation under Section 47 of The Children Act 1989.

All Local Authorities have a Duty and an Out of Hour's Duty System to facilitate the reporting of any incident. Details of these Duty contact numbers should be recorded.

Recording

A folder must be created using the "Child Protection Form" and all concerns must be recorded and kept in this folder which is to be locked in the filing cabinet in the office.

Once a folder has been created, any subsequent actions relating to that child must be recorded, clearly starting with the date of the event and the name of the person recording the item.

Once an event has been closed, the outcome of the action must also be recorded and a date of closure recorded.

Taking action to protect the Child

Where there is an immediate threat to a child action must be taken to protect the child and notification made to the Local Authority and / or LADO as soon as possible.

Any verbal notification of an allegation must be followed up by a written report of the events.

Child's Welfare (In All Cases)

The Child's welfare is paramount and must be protected at all times. If a person believes that a child is at risk they must report their concerns.

If a person is unsure of whether a child is at risk they must discuss the details of the situation with a Designated Child Protection Officer or a Director. Ofsted must also be informed of the outcome of any child protection investigation. The reports can be made verbally, but must be followed by a written notification within 24 hours.

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 Child Protection Officer. They will take the appropriate action.

Disclosure

From time to time, children/young people may disclose in confidence that at some stage in their lives they have been abused. It is important that adults realise that children cannot be given absolute guarantees of confidentiality in this situation. This would put adults in the vulnerable position of being in possession of information that a crime may have been committed without the ability to report it. It would also make it impossible to protect the child or other young people from future abuse. It is, therefore, very important not to make any promises to the child.

It is essential that a good relationship is built up between children and their carer, so that the children can trust them over a range of issues. Adults must resist being drawn into a secretive and collusive relationship with children/young people.

When a child alleges abuse, the adult should listen to what they have to say.

THE EMPHASIS MUST ALWAYS BE ON LISTENING, RATHER THAN ON ASKING QUESTIONS.

The child should be sensitively told that the adult is concerned with what has been said and needs to discuss it further with other professionals.

Home Office guidelines suggest the following steps for any initial allegations of abuse:

- Listen to the child rather than ask questions

- Do not stop a child who is freely recalling significant events
- Remain calm and do not give the child the impression that what they have said is shocking or upsetting
- 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
- Make a report of the discussion as soon as possible, taking care to record the timing, the setting, the people present, as well as the content of what was said, quoting wherever possible the words used by the child; record all subsequent events and at the earliest possible moment inform the Designated Child Protection Officer. The report should indicate whether the abuse is current or refers to events in the past. It needs to be dated and signed with a full signature in case it is required later for any court proceedings. This should include a list of contacts with any other people
- Do not make any assumptions and keep an open mind
- Report to a Designated Child Protection Officer who will contact the Social Services Department as necessary

Adults need to be aware that children making allegations of abuse will often need to be interviewed by Police and Social Services staff trained in Child Protection interview techniques. On no account should an adult begin to question the child as to do this may affect the strength and validity of future evidence in any court proceedings.

An allegation against a member of staff

Smisby Day Nursery Ltd takes any allegation made against a member of staff seriously, and will always investigate and report concerns. Where allegations are made against a member of staff the company may not always be at liberty to share the full information of the allegation with the staff member. There are a number of reasons for this including ensuring the welfare of children and the risk of disrupting any potential legal processes. The company accepts this can leave staff feeling frustrated and even vulnerable. However, a colleague can be appointed to support the staff member should this be the case.

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

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 Designated Lead, unless the allegation is against the Designated Lead, in which case they will report it to any Designated Child Protection

Officer that is not the subject of the allegation. The person to whom the matter is reported will become the Senior Designated Manager, until the allegation is resolved. The Designated Lead or Senior Designated Manager will inform the Directors of the allegation.

Initial action by Designated Lead or the Senior Designated Manager

The Designated Lead or Senior Designated Manager may contact the Local Authority Designated Officer (LADO) for advice on current procedure. (see attached flowchart).

The Designated Lead or 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:

- Establish if the events, as described, were possible e.g. if the staff member was out of the country or at work at the time of the alleged incident
- 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.

The Designated Lead or 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 Designated Lead or 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. This does not imply guilt in any way, but it will allow the investigation to continue unimpeded and protect the staff member concerned from any further allegations. A member of staff at Senior level or above (but an individual who has not been involved in the investigation or decisions about action) will usually be appointed as a supporter to the person concerned. Every effort will be made to carry out these investigations fairly, quickly and consistently and a Director or the appointed supporter will keep the staff member informed about progress at all times.

Supporting those involved

Parents or carers of any child involved will be told about allegations as soon as possible, after discussion with the Designated Lead or 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 or advise the accused to seek support from their trade union or other relevant professional association.

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 DBS disclosures.

Potential Outcomes

If after initial consideration between the Designated Lead or Senior Designated Manager / Social Services / LADO / Ofsted it is clear that police or social care investigations are not necessary, the Designated Lead or Senior Designated Manager will be guided by the relevant authorities as to the most appropriate action. When there has been a child protection investigation of an allegation of harm to a child and:

1. There is no evidence or grounds to proceed. The investigation will be closed and a full review of the Carer's suitability to continue to work with children will then be carried out. If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within 3 working days. However, a comprehensive summary of this investigation and its outcome will be produced and the staff member will receive a copy signed by the Director/Designated Lead/Senior Designated Manager who has managed the process. Another copy will be kept on the Staff members confidential file, and will remain on file for 10 years after the date they leave the company. 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 (parent) who made the allegation.
2. There is no evidence of harm to the child, but there are standards of care issues. In this situation, a full summary of the child protection investigation and outcome will be written as above, signed by the Director, the Designated Lead or the Senior Designated Manager who has managed the investigation, a copy given to the staff member and one kept on file, making it clear that the finding was that there was no evidence of harm to the child. Staff may subsequently have disciplinary action taken, be put on review or required to attend additional training. However, if new standards of care issues emerge during the investigation then a new investigation will begin to pursue these concerns. 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.
3. There is evidence of harm to the child. The staff member's employment will be terminated immediately as a Gross Misconduct. In addition, a decision will be made about referral to the LADO, Disclosure and Barring Service and Ofsted, and whether there is a criminal case to answer. Again, a full summary of the investigation and its outcome will be kept by the Company for 10 years as detailed here, even though the employment has been terminated.

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 are never used by Smisby Day Nursery Limited.

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 the LADO and Social Services whether and how a referral should be made to the Protection of Children Act (POCA) List or the DfES list 99.

Emergency Procedures

A Designated Child Protection Officer should establish the facts and details as above and speak to the Designated Lead or a fellow Designated Child Protection Officer or a Director who will then take the following appropriate action:

For Derbyshire:

1. All calls to 01629 533190 (24 hours)
2. Ask for the Duty Social Worker
3. Check to see if the family are known to Social Services, discuss the situation and ask for advice
4. Establish who will be responsible for informing the parents
5. Professional Advice Line (LADO): 01629 535 353

For Leicestershire:

1. First Response – Urgent Referrals only - Tel: 0116 3050005
2. Ask for the Duty Social Worker
3. Check to see if the family are known to Social Services, discuss the situation and ask for advice
4. Establish who will be responsible for informing the parents
5. All non urgent referrals to be made online www.leicestershire.gov.uk/report-abuse-of-a-child

For Staffordshire:

1. Urgent Referrals and Out of Hours Tel 0345 6042886 or First Response Team 0800 1313126
2. Ask for the Duty Social Worker
3. Check to see if the family are known to Social Services, discuss the situation and ask for advice
4. Establish who will be responsible for informing the parents

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.

Child Protection Training

All staff will attend training on Safeguarding and Child Protection issues, this will be updated as a minimum every 2 years or sooner if required due to changes in legislation or concerns with practice. Training will be given to staff so that they may recognise the additional vulnerability of children due to their race, gender, age, religion, disability, sexual orientation, social background and culture.

Reviewing practice

At the conclusion of any Safeguarding / Child Protection investigation, whether the allegation is substantiated or not, the Nursery will review its procedures and practice to help improve our policies and procedures and to possibly prevent similar events in the future.