



# Safeguarding and Child Protection

## Introduction

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The actions we take as professionals and as a society, to promote the welfare of children and protect them from harm, are referred to as 'safeguarding'.

**Safeguarding** can be defined as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes.

*('Working Together to Safeguard Children', DfE 2018)*

**Child Protection** is part of safeguarding and promoting welfare. It refers to activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

This guidance is consistent with the government guidance Working Together to Safeguard Children 2018. It has been developed to provide support to the Registered Provider, Designated Safeguarding Lead (DSL) and all staff in early years and childcare settings in carrying out their responsibilities in regard to safeguarding and promoting the welfare of the children in their care and protecting children who are at risk of harm.

The guidance is appropriate for all private, voluntary, and independent settings, including childminders and applies to all staff whether paid, voluntary, permanent, or temporary, and all children and young people under the age of 18.

## Contacts

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**Settings Managers: 07933779918**

**Designated Senior Lead for The Lenches Pre-school The Manager**

- **07933779918** (work)

**Deputy Designated Senior Lead for The Lenches Pre-school is The Deputy manager**

- **07933779918** (work)

**Family Front Door (Children's Social Care)**

- **01905 822666** Weekdays 9.00 to 17.00 (Fridays 16.30)
- **01905 768020** (evenings and weekends)

**Police** - Call **999** in an emergency, e.g. when a crime is in progress, when there is danger to life or when violence is being used or threatened. For less urgent issues call local police on **101**.

**Ofsted** - 0300 123 1231 (reg no. EY 377 612)

**Worcestershire Children's first Early Years Team** - 01905 844048

**Community Social Workers** - Contact via the Family Front Door on 01905 846057

**Local Authority Designated Officer (LADO)** – 01905 846221

# 1.1 The Legislative Framework

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## Legal framework and responsibilities

[The Children Act 1989](#) makes it a duty to consider the welfare of the child as paramount. It defines 'Children in need' and 'Children at risk of significant harm', forming the basis of response and referral processes when concerns arise.

**Section 17(10) of the Children Act 1989** defines 'children in need' and places a duty on local authorities to promote and safeguard the welfare of children in need in their area.

**Section 47 of the Children Act 1989** defines the local authority's duty to make enquiries to decide whether action should be taken to safeguard or promote the welfare of a child or young person who is suffering, or likely to suffer, significant harm.

[The Education Act 2002](#) places a duty on local authorities (in relation to their education functions), the Governing Bodies of maintained schools, independent schools (including academies and free schools) to exercise their functions with a view to safeguarding and promoting the welfare of children who are school pupils. For example by virtue of regulations, such as [Keeping Children Safe in Education \(DfE 2019\)](#), made under section 157 of this Act.

[The sexual Offences Act 2003](#) introduced a new offence of 'abuse of position of trust'.

### [The FGM Act 2003](#)

Female genital mutilation (FGM) is illegal in England and Wales under this legislation. It is a form of child abuse and violence against women. Section 5B of this act was added under the [Serious Crime Act \(2015\)](#) to establish mandatory reporting of FGM.

### [The Children Act 2004](#)

**Section 10** places a duty on local authorities to make arrangements with relevant agencies to co-operate to improve the wellbeing of children.

**Section 11** places a duty on local authorities to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Section 11 also requires those working or coming into contact with children to have regard for the statutory guidance ['Working Together to Safeguard Children'](#) (DfE 2018).

[The Childcare Act 2006](#) is a key piece of legislation for local authorities and early years and childcare providers.

**Section 40** of the Childcare Act 2006 places a duty on early years providers to comply with the [Statutory Framework for the Early Years Foundation Stage](#).

**Section 75** of the Childcare Act 2006 sets out the regulations which disqualify a person from registration or employment as a childcare worker.

A registered provider or a childcare worker (working in a childminding or childcare on domestic premises setting) may also be disqualified if they live in the same household as another person who is disqualified from registration, or they live in a household in which any such person is employed.

If a registered person or childcare worker is disqualified they may, in some circumstances, be able to apply to Ofsted for a 'waiver'.

[The Childcare \(Disqualification\) Regulations 2018](#) contains further information.

[Safeguarding Vulnerable Groups Act 2006](#)

**Section 35** of this act makes it a duty to ensure a referral to the Disclosure and Barring Service is completed where a member of staff is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm.

[Children & Social Work Act \(2017\)](#)

This legislation is the most recent and significant in terms of safeguarding and its main purpose is to improve and promote safeguarding, with particular reference to:

- Decision making and support for looked after and previously looked after children in England and Wales.
- Joint work at the local level to safeguard children and enable better learning at the local and national levels to improve practice in child protection.
- The safeguarding of children by providing for relationships and sex education in schools.
- The establishment of a new regulatory regime specifically for the social work profession in England.

It does not replace the [Children Act 1989](#) but is complementary to it. For example it reminds local authorities to act in the best interests of children and encourage them to express their views, wishes and feelings. There are also new requirements for Local Authorities to support looked after children until the age of 25 if they wish to receive it and for maintained schools to designate a member of staff to have responsibility for the educational achievement of previously looked after children as well as those who are currently looked after.

The Act also requires the Secretary of State to establish a Child Safeguarding Practice Review Panel, and sets out the arrangements for membership. The function of the panel is to identify serious child safeguarding cases in England which raise issues that are complex or of national importance, and where it considers appropriate, to arrange for such cases to be reviewed under the panel's supervision.

The Act also amends the safeguarding provisions in the [Children Act 2004](#) and sets out requirements for the 'safeguarding partners' in local authority areas in England to make arrangements to work together, along with any other relevant agencies, and respond to the needs of children in their area. The Act also requires 'child death review partners' to review the death of any child in their area. (They can also make arrangements to review the death of any child not normally resident in their area).

More information can be found on the Safeguarding Worcestershire [website](#) .

There is also a new requirement for the Secretary of State to make regulations requiring the provision of relationships education to children in primary schools and relationships and sex education to pupils in secondary schools. The

Secretary of State may also make regulations requiring the provision personal, social, health and economic education (PHSE).

New guidance issued by the secretary of state is included in ['Working Together to Safeguard Children' \(DfE 2018\)](#).

## **Prevent and the promotion of British values**

The Prevent strategy, published by the Government in 2011, is part of the overall counter-terrorism strategy, CONTEST. The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming radicalized or being drawn into terrorism. The strategy covers all forms of terrorism, including far right extremism and some aspects of non-violent extremism. The Home Office works with Local Authorities, a wide range of Government departments, and community organizations to deliver the Prevent strategy.

The Government has defined extremism in the Prevent Strategy as: “vocal or active opposition to fundamental British Values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.”

Section 26 of the [Counter-Terrorism and Security Act 2015](#) places a duty on certain bodies, including registered early years and childcare settings, to have “due regard to the need to prevent people from being drawn into terrorism”. Settings should therefore be aware of potentially vulnerable individuals who may be susceptible to radicalisation and should ensure that they promote fundamental British values.

A range of measures is used to challenge extremism in the UK, including supporting people who are at risk of being drawn into terrorist activity through the [Channel](#) process, which involves several agencies working together to give individuals access to services such as health and education, specialist mentoring and diversionary activities. However, the risk of being drawn into terrorism is a safeguarding issue like any other, so although policies and procedures should specifically include this risk, the settings processes for raising and escalating concerns are unlikely to be any different.

## **Regulation and inspection**

Ofsted provides [guidance](#) on the registration of early years and childcare provision in England, under the Childcare Act 2006, and its associated regulations. It includes detailed information about the different registers, who needs to register, the registration process and the requirements for the childcare register.

All providers and practitioners should be familiar with the requirements of the Early Years Foundation Stage (EYFS) and the requirements of the Childcare Register as appropriate.

The Education Inspection Framework does not include a specific safeguarding judgement, but safeguarding practice is assessed holistically across the provision. [OFSTED Early Years Inspection handbook](#) is guidance for Ofsted inspectors undertaking inspection under the common inspection framework, and as such, provides practitioners with clear guidance on expectations in terms of safeguarding.

## 1.2 Safeguarding and Child Protection 'Roles and Responsibilities'

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'Doing nothing is not an option'.

**Safeguarding is everyone's responsibility and therefore all staff should:**

- Take all necessary steps to keep children safe and well
- Promote good health
- Manage behaviour
- Be alert to any issues for concern in the child's life at home or elsewhere
- Meet the requirements of the Statutory Framework for the Early Years Foundation Stage (EYFS 2017)
- Follow the policies and procedures of the setting and notify the relevant person or agency without delay if concerns arise
- Keep appropriate records

### **Registered Provider**

In addition, the registered provider is also required to:

- Have regard to the Government's statutory guidance 'Working Together to Safeguard Children 2018' and to the 'Prevent duty guidance for England and Wales 2015'
- Implement the requirements of the Early Years Foundation Stage (2023)
- Create a culture of vigilance where children's welfare is promoted and where timely and appropriate action is taken when necessary to safeguarding children
- Have, maintain and implement policies and procedures to safeguard children which include:
  - The action to be taken when there are concerns about a child
  - Whistleblowing and the action to be taken in the event of an allegation against a member of staff
  - The use of mobile phones and technology in the setting
  - Safer recruitment policies and procedures
  - Procedures for storing confidential records
- Designate a practitioner to take lead responsibility for safeguarding children
- Induct and train staff to understand their safeguarding policy and procedures, and ensure that all they have up to date knowledge of safeguarding issues so that they are able fulfil their role
- Inform Ofsted or their childminder agency of any significant event which is likely to affect the suitability of, or allegation of serious harm or abuse by themselves or any person living, working, or looking after children at the premises, and notify Ofsted or their childminder agency of any action taken
- Ensure that any person having regular contact with children is suitable to fulfil the requirements of their role and record information about staff qualifications, identity checks and vetting processes
- Meet their responsibilities under the Safeguarding Vulnerable Groups Act 2006, e.g. the duty to make a referral to the Disclosure and Barring Service
- Put appropriate arrangements in place for the supervision of staff who have contact with children and families
- Make specific arrangements for children's safety and wellbeing, including
  - the requirements for first aid, policies and procedures for responding to children who are ill or infectious and those for administering medicines

- keeping a written record of accidents or injuries and first aid treatment and informing parents and/or carers of any accident or injury sustained by the child
- ensuring the premises are fit for purpose, compliant with health and safety legislation and appropriate risk assessment
- having an evacuation procedure and suitable fire detection and control equipment
- ensuring staffing arrangement meet the needs of all children and ensure their safety and implementing a robust key person system
- Notify local child protection agencies and Ofsted or the childminder agency with which they are registered of any serious accident, illness or injury to, or death of, any child while in their care, and of the action taken.
- Only release children into the care of individuals who have been notified to the provider by the parent, and ensure that children do not leave the premises unsupervised.
- Take all reasonable steps to prevent unauthorised persons entering the premises
- Record the required information about each child, name, date of birth, who has parental responsibility etc. and the required information about the registered provider and adults in regular contact with children
- Have a complaints procedure and records
- Keep attendance records
- Notify Ofsted or the child minder agency with which they are registered of any changes e.g. a new manager, the address of the premises, the name or address of the provider, any proposal to change the hours during which childcare is provided, etc

### **Designated Safeguarding Lead (DSL)**

The EYFS requires providers to designate a practitioner to take lead responsibility for safeguarding children in the setting. Childminders take the lead responsibility themselves.

The role should be explicit in the DSL's job description and they should be given sufficient time, resources, and funding to fulfil their role. They must attend a training course which enables them to identify, understand and respond appropriately to signs of possible abuse and neglect and they should renew this as advised by local safeguarding agencies (2 yearly).

The DSL's role is to:

- Take lead responsibility for safeguarding children in their setting
- Liaise with local statutory children's services agencies
- Provide support, advice and guidance to other staff, on any specific safeguarding issues as required
- Refresh their knowledge and skills at regular intervals
- Sharing child protection information with the DSL of any receiving setting or school when children leave the setting.

The DSL must be available during opening hours. Settings may choose to nominate a deputy in order to ensure availability at all times during the hours of operation but the DSL retains overall responsibility.

If the registered provider is a group, for example a committee or a board of trustees, it is good practice to also appoint a member of the Committee to take the lead role on safeguarding/child protection to support the DSL, and seek appropriate training themselves.

## Safeguarding as part of the curriculum

Settings support children's personal, social and emotional development, and as part of this they teach children how to keep themselves and others safe. For example, they teach children independence, self-care and confidence, they ensure that children understand personal boundaries and acceptable behaviour towards others and themselves. More specifically settings can support children in understanding healthy and positive relationships and issues of privacy and respect.

## Local Authority Children's Social Care

**Section 47 of the Children Act 1989** defines the local authority's duty to make enquiries to decide whether action should be taken to safeguard or promote the welfare of a child or young person who is suffering, or likely to suffer, significant harm. These are known as statutory services, for which the consent of the parent is not necessarily required.

**Section 17(10) of the Children Act 1989** defines 'children in need' and places a duty on local authorities to promote and safeguard the welfare of children in need in their area. The Local Authority has a duty to provide services but no obligation or right to act without consent of the parent.

## Local Safeguarding Partners and Child Death Review Partners

Under the Children and Social Work Act 2017 the three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area. Similarly the child death review partners (local authorities and clinical commissioning groups) must set up child death review arrangements.

Also, from 29 June 2018, the Child Safeguarding Practice Review Panel may commission and publish national reviews of serious child safeguarding cases which they consider are complex or of national importance and local authorities are required to notify the Panel of incidents where they know or suspect that a child has been abused or neglected and the child has died or been seriously harmed.

## [Worcestershire Children First](#)

Worcestershire County Council has commissioned Worcestershire Children First to deliver a range of services to schools and settings. Support, advice and guidance for early years and childcare settings on matters of safeguarding and child protection is part of this commissioning arrangement and therefore the responsibility of Worcestershire Children First.

More information can be found on our website at: [www.worcschildrenfirst.org.uk](http://www.worcschildrenfirst.org.uk) and the Early Years Team can be contacted on 01905 844048 or at [EYCC@worcschildrenfirst.org.uk](mailto:EYCC@worcschildrenfirst.org.uk). Our Safeguarding Senior Practitioner is also available for support on 01905 844436 – [dhannibal@worcestershirechildrenfirst.org.uk](mailto:dhannibal@worcestershirechildrenfirst.org.uk)



**The Aims of the Lenches Pre-school Safeguarding/ Child Protection Policy and Procedures are to:**

- Ensure our practice is in line with the guidance and procedures of Worcestershire Safeguarding Children Board (WSCB)
- Ensure that our setting has measurable, effective procedures in place to safeguard the children in our care
- Support our staff to understand their roles and responsibilities
- Inform parents/ carers of our safeguarding/ child protection procedures
- Clarify the action to be taken in the event of an allegation being made against a member of staff and/or any person living, working or looking after children at the premises
- Determine the use of mobile phones and cameras in the setting.

The Lenches Preschool has an appointed DSL and deputy DSL in place. A named member of the committee is also responsible for safeguarding

**Training**

The EYFS 2023 states that:

- Providers must train all staff to understand their safeguarding policy and procedures.
- Training made available by the provider must enable staff to identify signs of possible abuse and neglect at the earliest opportunity, and to respond in a timely and appropriate way.

**WSCB and Worcestershire County Council (WCC) recommend that:**

- The DSL/Deputy DSL update their safeguarding training every two years and continually refresh knowledge which we achieve through our sub-committee meetings. This is open to all staff who wish to attend.
- All other practitioners must update their safeguarding knowledge every three years.

**At The Lenches Pre-school:**

- All necessary steps are taken to keep children safe and well
- We ensure all staff can recognise signs of possible abuse and neglect through a thorough induction process, attendance at child protection training and effective supervision
- The WSCB and WCC recommendations regarding staff training are followed
- Current safeguarding/ child protection training certificates are stored in Staff Folder and Training details- filing cabinet

## 1.3 Children's rights and entitlements

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Introduction of 'The Convention on the Rights of the Child' sets out the rights that must be realised **for children to develop their full potential, free from hunger and want, neglect and abuse**. It reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognising children's rights in this way, the Convention firmly sets the focus on the whole child.

**All children have the right to be strong, resilient and listened to, in an environment where they are protected from abuse and harm.** The Government guidance Working Together to Safeguard Children (DfE 2018) provides a national framework for all agencies working with children to work in partnership to safeguard children effectively.

The aims of The Lenches Pre-school promote children's right to be strong, resilient and listened to.

### Policy statement

- We promote children's right to be *strong, resilient and listened to* by creating an environment in our setting that encourages children to develop a positive self image, which includes their heritage arising from their colour and ethnicity, their languages spoken at home, their religious beliefs, cultural traditions and home background.
- We promote children's right to be *strong, resilient and listened to* by encouraging children to develop a sense of autonomy and independence.
- We promote children's right to be *strong, resilient and listened to* by enabling children to have the self-confidence and the vocabulary to resist inappropriate approaches.
- We help children to establish and sustain satisfying relationships within their families, with peers, and with other adults.
- We work with parents to build their understanding of, and commitment to, the principles of safeguarding all our children.

### What it means to promote children's rights and entitlements to be '*strong, resilient and listened to*'.

To be **strong** means to be:

- **secure** in their foremost attachment relationships where they are loved and cared for, by at least one person who is able to offer consistent, positive and unconditional regard and who can be relied on;
- **safe and valued** as individuals in their families and in relationships beyond the family, such as day care or school;
- **self assured** and form a positive sense of themselves – including all aspects of their identity and heritage;
- **included equally and belong** in early years settings and in community life;
- **confident in abilities** and **proud** of their achievements;
- **progressing optimally** in all aspects of their development and learning;
- **to be part of a peer group** in which to learn to negotiate, develop social skills and identity as global citizens, respecting the rights of others in a diverse world; and
- **to participate and be able to represent themselves** in aspects of service delivery that affects them as well as aspects of key decisions that affect their lives.

To be **resilient** means to:

- **be sure** of their self worth and dignity;
- be able to be **assertive** and state their needs effectively;
- be able to **overcome** difficulties and problems;

- **be positive** in their outlook on life;
- be able to **cope** with challenge and change;
- have a **sense of justice** towards self and others;
- to develop a **sense of responsibility** towards self and others; and
- to be able to **represent** themselves and others in key decision making processes.

To be **listened to** means:

- adults who are close to children recognise their need and **right to express and communicate** their thoughts, feelings and ideas;
  - adults who are close to children are able to **tune in** to their verbal, sign and body language in order to understand and interpret what is being expressed and communicated;
  - adults who are close to children are able to **respond appropriately and, when required, act upon their understanding** of what children express and communicate; and
  - adults **respect children's rights** and **facilitate children's participation and representation** in imaginative and child centred ways in all aspects of core services.
- The UN Convention on the Rights of the Child protects the rights of all children.

# 1.4 Recognising, Responding and Recording of Abuse and Neglect

## 1.4 (i) Recognising Abuse and Neglect

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Early Years providers and settings have a duty under section 40 of the Childcare Act 2006 to comply with the Safeguarding and Welfare Requirements of the Early Years Foundation Stage (EYFS 2021):

- Providers must be alert to any issues for concern in the child's life at home or elsewhere.
- A practitioner must be designated to take lead responsibility for safeguarding children in every setting.
- Providers must train all staff to understand their safeguarding policy and procedures, and ensure that all staff have up to date knowledge of safeguarding issues.
- Providers must have regard to the Government's statutory guidance 'Working Together to Safeguard Children' and to the Prevent duty guidance for England and Wales'
- If providers have concerns about children's safety or welfare, they must notify agencies with statutory responsibilities without delay.
- Registered providers must inform Ofsted (or their childminder agency) of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere).

There are many factors which contribute to a child's well-being, and their development. The parenting capacity of carers and the family home environment are demonstrated to be interrelated, and childcare practitioners are often familiar with children's wider environment and the many factors which affect how children develop, learn and respond. They are therefore in a unique position to observe any changes in a child's behaviour or appearance which might suggest that they are in need of support or at risk of harm.

### Definitions of abuse and neglect

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm which in itself harms a child. Children may be abused in a family or in an institutional or community setting, by those known to them or more rarely by a stranger, for example via the internet. They may be abused by an adult or adults, or another child or children. When the abuser is a child it is important to remember that they may also be at risk and these concerns should be raised with the appropriate agencies too.

- **Physical abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or 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.

- **Emotional abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

- **Sexual abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

- **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/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 abuse. Once a child is born, neglect may involve a parent or carer 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), or
- Ensure access to appropriate medical care or treatment.

Neglect may also include unresponsiveness to a child's basic emotional needs.

Worcestershire's [Neglect Strategy and Toolkit](#) provides for more information, support and tools to help identify vulnerable children, clarify concerns and plan an appropriate response.

### **Signs of possible abuse and neglect**

- Bruising on parts of the body which do not usually get bruised accidentally, e.g. around the eyes, behind the ears, back of the legs, stomach, chest, cheek and mouth (especially in a young baby), etc
- Any bruising or injury to a very young, immobile baby
- Burns, scald or bite marks
- Any injuries or swellings, which do not have a plausible explanation
- Bruising or soreness to the genital area
- Faltering growth, weight loss and slow development
- Unusual lethargy
- Any sudden uncharacteristic change in behaviour, e.g. child becomes either very aggressive or withdrawn
- A child whose play and language indicates a sexual knowledge beyond his/her years
- A child who flinches away from sudden movement
- A child who gives over rehearsed answers to explain how his/her injuries were caused
- An accumulation of a number of minor injuries and/or concerns
- A child whose attendance is erratic, or suddenly ceases, without any contact from the family
- A parent's behaviour or presentation, e.g. evidence of possible alcohol or drug misuse, mental health difficulties, or domestic violence
- Arrangements for the collection of the child give rise for concern
- Hunger/thirst at the start of the day
- Lack of attention to child's basic hygiene needs
- A child who discloses something which may indicate he/she is being abused

The above list is by no means exhaustive, and a 'cluster' of these signs (which may occur simultaneously or over time) should increase concern – highlighting the importance of effective record keeping. (See the following section for more advice on record keeping)

## Specific risks and abuse

Providers and staff should give consideration to specific risks and forms of abuse such as:

**Children and the court system** - Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed.

**Children missing from education** – Children below statutory school age are not required to attend a setting regularly if at all, but once registered most do attend regularly and most parents will let the setting know if they are not going to be present. Therefore settings should give consideration to children not attending and seek to assure themselves that the child's absence is not a cause for concern.

**Children with family members in prison** - These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health.

**Child Exploitation** - Child exploitation 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. This may be **child sexual exploitation**, which does not always involve physical contact, it can also occur through the use of technology and can still be abuse even if the sexual activity appears consensual. It could also be **child criminal exploitation, e.g. 'county lines'**, which is a geographically widespread form of harm involving drug networks or gangs, who groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Exploitation may also involve **modern slavery** and **trafficking**, which is not always from country to country, sometimes children are trafficked within the local area.

Get Safe website provides more information about child exploitation.

**Domestic abuse** – 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. Exposure to domestic abuse can have a serious, long-lasting effect on children and young people.

Operation Encompass, operating in partnership with West Mercia Police, Worcestershire Children First and schools first started in November 2018 and aims to support children and young people exposed to domestic abuse. The Lenches pre-school has completed the specialist training offered and is able to use operation encompass as an information sharing platform and to receive reports of domestic abuse cases effecting children in our setting.

**Homelessness** - Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour

**So-called 'honour-based' violence** - 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**. All forms of HBV are abuse (regardless of the motivation) and should be handled and escalated as such.

**Online safety** – Children are often more adept at using technology than the adults around them, but do not necessarily understand the risks posed by those who they ‘meet’ online. In many cases parents are not fully aware of the risks and it may be as important to inform with and empower parents and carers as it is to work with the children.

**Peer on peer abuse** - 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. In such circumstances it is important to consider the potential needs of the perpetrator as well as the victim.

**Poor mental health** – It has long been recognised that poor parental mental health can be a significant risk factor for children, but there is also increasing concerns about children’s own mental health, which is an important factor in their health and development in both the short and long term. Practitioners should therefore consider signs and indicators of poor mental health in children, as part of their safeguarding responsibilities.

**Preventing racialisation** - 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 setting’s safeguarding approach. 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.

**Sexual violence and sexual harassment between children** - 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. It can occur online and offline (both physical and verbal) and are never acceptable. Evidence shows girls, children with SEND and LGBT children are at greater risk.

**Special education needs and disabilities** – Children with SEND are far more likely to be abused or neglected, possibly because of the challenges faced by parents and carers, or because they are particularly vulnerable if they have delayed cognitive and language development, and possibly because signs and symptoms of abuse and neglect can sometimes be attributed to their condition. Practitioners should acknowledge and understand that unwanted behaviour in particular can be an indicator of trauma as a result of abuse and neglect.

## 1.4 (ii) - Responding to concerns

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Every child, family and situation is unique and decisions should be made using professional judgement supported by advice and guidance. Any professional who is concerned about a child or who identifies that a child or family may need extra help and support, should discuss this with their safeguarding lead. Professionals may also want to have a discussion with a colleague from another agency to get a better understanding of the child and their family, this should be with the family's consent

### Emerging concerns

Childcare practitioners may sometimes find that general concern sometimes begins to build up around a child's behaviour, demeanour or presentation. Concerns may include what is seen or heard, and may include the way family members relate to the child and/or the setting. Such concerns may not seem to be very significant on their own, but together may indicate a need for family support that should not be ignored. It is therefore, important that concerns are always recorded factually and accurately along with any decisions or action taken, as good record keeping supports the decision making process.

### Responding to disclosure

A disclosure occurs when a child or young person indicates directly, or through play or drawings for example, that he or she has been or is being abused in some way. Occasionally a disclosure may be very clear and contain specific details about whom, or what was involved, or where and when apparent abuse took place. More commonly disclosure emerges as part of routine activity or conversation.

#### It is important to remember that:

- Most children make some attempt to 'tell' in the early stages of abuse. Often they are not heard, or are silenced by the reaction they receive. They may never tell again
- Abuse of a young child within a family usually only ends when the secret is told. Such abuse can be on-going for many years - it is rarely a one-off event
- No one really wants to hear that a child is being abused, but unless someone hears, the abuse goes on
- Children react in different ways to the same home circumstances. If one child causes concern it is important to consider the behaviour of other children in the family

If a child makes a disclosure it is vital that an appropriate response is given:

- **Do contain own reaction as far as possible** – try not to express shock or disbelief
- **Do listen** to the child, accept what they say and communicate to them that you accept it.
- **Do not** make any promises to the child about not passing on the information – the child needs to know that someone who will be able to help them will be spoken to
- **Record** the information as accurately and quickly as possible, including the timing, setting and those present, as well as what was said.
- **Discuss with the DSL** to determine the most appropriate course of action.
- **Do not interrogate the child.** It is alright to ask for clarification, but do not ask leading questions. Leading questions are those which might suggest an explanation for what happened, or who may have perpetrated abuse, such as "Did Daddy hit you?"



Misguided or inappropriate questioning could later be inferred to have contaminated evidence in an official investigation, and invalidate it. The best questions to ask are those that are known as '**TED**' questions. i.e. 'Tell, Explain, Describe'

- 'Tell me what happened'
- 'Please **explain** what you mean when you say .....
- 'Can you **describe** the person?' or 'Can you **describe** the place?'

### **Voice of the child**

It is important to understand the child's lived experience whether they are able to give a verbal account to professionals or not, ensuring that you understand what the child has communicated to you and they understand (as far as possible) what you are saying to them.

When talking to children practitioners should try to remove barriers by thinking about the child's communication needs and preferences and about where conversations take place.

It is also important to triangulate what the child says with how they behave and react to others and how the parents/carers behave. Are they telling you what they have been told to say? Do they say everything is OK and then behave as though it isn't? Do they say different things to different people? Don't assume that this is because they are lying, it may be because they are not able to say what they mean.

### **Sharing concerns with parents and carers**

Concerns should generally be shared with the child's parents/carers. There may be a perfectly innocent explanation for what has been observed, for example a sudden change in behaviour could be due to the death of a close family member or a pet, weight loss and/or failing to thrive could be symptoms of an illness and an injury could have been inflicted accidentally by a sibling or another child.

In some circumstances discussion with the parents can help the practitioner better understand the needs of the child and the family situation and it may be that they need support, but parents should be fully involved in decision making and give consent to share information unless:

- Sexual abuse is suspected
- It is considered that discussing the issue with parents may put the child at further risk of significant harm
- A criminal offence may have been committed
- Organised abuse is suspected
- Fabricated illness is suspected
- An explanation is given by parents/carers which is felt to be inconsistent or unacceptable

## **Levels of need guidance**

Practitioners make decisions about children's needs on a regular basis as part of the work that they do, and they sometimes help children and families to access their service by providing additional help and support as required. Sometimes however universal services and some additional help and support are not enough to meet the need of the

individual child or family, or their current situation, and individual children, especially those who are more vulnerable, may need coordinated help from a range of services. Therefore, safeguarding and promoting the well-being of children is often dependent on effective partnership working with other agencies.

In many cases this may be a question of simply involving one other agency, in others it may be a question of involving more than one, and often this can still be done without the need for a formal process, but when a child's situation becomes more complex or there appears to be increased risk, it may be necessary to draw up more formal plans with the family in order to coordinate the work.

The Levels of need guidance is intended for use by all those working with children and young people, to support decision making about individual children's needs and the most appropriate response. It talks about need on four levels but it is important to remember that situations change and sometimes more information emerges which might alter the level at which support is required.

**Level 1** represents children with no identified additional needs. Their needs are met through universal services and possibly housing or voluntary services.

**Level 2** represents children with extra needs that can be met by a universal service (for example their early years setting) providing additional support or straightforward working with one or more partners, such as Speech and Language Therapy. Worcestershire County Council provides a variety of information to help support families on their website.

In these circumstances practitioners should talk to their DSL and to the parents to offer support as appropriate. They may also, with parents' consent, talk to other professionals who may be able to support the child and their family and/or talk to a community social worker (further information about their role later in this section) for advice and support.

Professionals are encouraged to use the Early Help Assessment to identify children who may be in need of additional or targeted support. This is a tool to assist any professional who is working with children, young people, and families, which can be used where there are emerging welfare or well-being concerns. It is not a referral form but gives a framework to consider whilst working with a child or family. A lead professional should be identified, and it is their role, following consultation with the child and family, to coordinate support.

Practitioners, parents, carers and children themselves if they are aged 13 or over, can request Early Intervention Family Support, using the 'Request for Early Help Family Support' form. This service is available to families with children over 5 years.

There are other services available at this level, dependent on the district. More information can be found in the Early Help directories published on the Local Authority Website.

**Level 3** represents children with more complex or escalating needs. Possibly those professionals working to support the child and family at level 2 are not clear on the best way forward. The parents should be advised that practitioners are seeking further advice (unless to share this information would put the child at risk). Again, the expectation is that professionals carry out an Early Help Assessment.

Practitioners can request Targeted Family Support for families with children of any age, using the 'Request for Early Help Family Support' form. .

Information about other services at this level can be found in the Early Help directories published on the Local Authority Website.

**Level 4** represents children who need statutory and/or specialist interventions including both children in need and those in need of protection. A child in need is one who is unlike to have a reasonable standard of health and development without statutory or specialist service. A child in need of protection is one that is suffering, or is likely to suffer, significant harm.

## Professional Curiosity

Respectful, child-centred, relationship based practice is a critical component of effective work with families and a key element is the need to understand as fully as possible a child's situation to ensure that interventions are the right ones. This requires professionals to be professionally curious through active watching, listening, asking direct questions and checking out information with other professionals. In this way information is triangulated to gain a better understanding of the way the family functions or of the needs of the child or the carers.

Practitioners need to:

- Expect the unexpected and be prepared to think the unthinkable
- Appreciate that respectful scepticism and challenge are healthy – it is ok to question what you are told
- Be able to recognise when disguised compliance is present
- Understand the impact of coercive control on the behaviour and responses of family members
- Recognise that not all families are like your own and that there is a danger in not testing out assumptions
- Recognise the importance of context, i.e. the family and wider environment in which the child lives.
- Recognise the cumulative impact on children of multiple or combined risk factors (previously referred to as 'toxic mix')

## Making a referral

If a child may be at risk of significant harm, professionals should make a referral to the Family Front Door (children's social care) without delay:

- Contact the [Family Front Door on 01905 822666](tel:01905822666) from Monday to Friday 9.00am to 5.00pm (until 4:30pm on a Friday). Out of office hours (5.00pm to 9.00am weekdays and all day weekends and bank holidays) contact the **Emergency Duty team on 01905 768020**
- Complete the 'Referral to Children's Social Care' online form, which can be accessed via the [Professionals Portal](#).

However, if the child **needs immediate protection, contact the Police on 999**. Whilst unlikely to happen, on very rare occasions it may be necessary to act quickly, for example, to protect a child from a drunken or violent parent. In these circumstances, it would be appropriate to telephone the Police.

In the unlikely event that a child is brought to you with serious injuries, the child should be taken to the nearest Hospital Accident and Emergency Department, (usually by ambulance) just as you would if the child sustained a serious injury whilst in your care.

**The referral to children's social care form** is used to share information with the Family Front Door either to raise a concern or to confirm the details following a telephone call. It can also be used to access support services. Consent from a parent is required unless the situation meets the criteria described above.

Completed forms can be saved and/or printed for the referring agency's own records.

Professionals can register on the Professionals Portal, which is quick and easy to do. We would advise you to register in advance and familiarise yourself with it ahead of any need to use the form.

Professionals without an account can access the form directly from the website.

**The initial screening and contact team** acts as the first point of contact for professionals and the public to raise a safeguarding concern about a child. The team is made up of trained advisors and is supported by social workers to deal with telephone referrals, referral forms, emails, etc. They confirm that referrals meet the threshold and pass them on to duty teams or advise referrers on requests for support from early help services.

**Community-based social workers** are able to support professionals to make a referral or give them the advice to be able to support the child and/or family themselves, and they work closely with the targeted family support services. They work in the community but also operate a telephone service and a telephone consultation can be booked online via the Professionals Portal.

Social Workers within the Family Front Door share offices with Police and Health who have access to their own case record systems. This means that there can be appropriate information sharing as early as possible to inform decisions for children to access the right service. For example, there are daily multi-agency meetings to review child sexual exploitation, missing children and domestic abuse cases.

When information shared with the Family Front Door suggests that a child may be in need of protection, a **strategy meeting** is called. This takes place at the Family Front Door and as the key agencies are co-located there, most strategy meetings happen within two hours. If a child then needs ongoing social work intervention such as a Child in Need Plan, Child Protection Conference, or becomes looked after, they will transfer to the care of locality teams.

An **initial child protection conference** is arranged when it is considered that a child may be suffering or at risk of significant harm. It brings together family members and professionals working with them to analyse information about the child's needs and the parent's capacity to meet them to decide what action is required to safeguard the child and promote their welfare. In Worcestershire, the **Signs of Safety** model is used at initial child protection conferences. This model is solution focused and is concerned with what is working well in addition to the concerns.

**Core groups** include the child (where appropriate) the family and professionals working closely with them. They arrange the provision of services in order to implement the plan developed at the initial conference.

A **child in need meeting** may be arranged if a child is considered to be 'in need' rather than at risk of significant harm and again there would be a clear plan to support the family.

### **What to do if a referral does not meet the threshold**

Statutory agencies can only intervene without the parent's consent if the child is considered at risk of significant harm (Children Act 1989: S47). If this is the case a response will be initiated within 2 hours.

If the child appears to be 'a child in need' rather than 'a child at risk of significant harm' (Children Act 1989: S17) assessment can only proceed with the parent's consent. The provider may be asked to seek and confirm parental consent to referral and will be advised what information, if any, should be shared with the parents.

The provider should always follow the advice of Children's Social Care, record advice and action taken e.g. in the child's individual file, and seek advice regarding possible next steps if concerns remain.

Very occasionally, when a referral is not accepted feelings of anxiety, uncertainty and doubt about the decision, as well as concerns for the child, may be triggered. Disagreements can have an impact on professionals' ability to safeguard children and all agencies should ensure that staff are supported in understanding how to appropriately escalate their concerns and disagreements with another agency. For more guidance please see the WSCB Escalation policy.

Meanwhile:

- Continue to observe the child closely
- Maintain records with vigilance
- Offer support and refer to early help services if appropriate
- Be prepared to refer again if concerns increase

### **Open cases**

New information about a child who already has an allocated social worker should be shared directly with them rather than passed on via the Family Front Door.

### **Children who live in other Local Authority areas**

The above guidance and procedures reflect arrangements in Worcestershire, but the statutory duty to provide services for children in need or in need of protection, lies with the Local Authority in the area in which they live. Therefore, those settings who care for children living outside of Worcestershire, need to familiarise themselves arrangements in those areas and ensure that their policies and procedures reflect these as well as the arrangements in Worcestershire. Information about early help, referral and threshold guidance is generally available on the local authority website, and all local authority procedures in the West Midlands area can be accessed via the Regional Child Protection Procedures for West Midlands.

Chart 1

Chart 2:

The Lenches Pre-school may receive an allegation of **abuse of a child** from a **child, parent/carer, a practitioner** or from an **outside agency**.

- The allegation may be verbal or written but should be treated with equal concern.
- The alleged perpetrator may be an adult or child. Whether they are at the setting or not, procedures must be followed.
- **If the alleged perpetrator is a child in the setting their own safeguarding needs must be considered.**

At The Lenches Pre-school, if a member of staff believes a child may be at risk of significant harm, e.g. because a child has disclosed possible abuse or displays an injury without a plausible explanation, they must inform the DSL immediately and record their concern.

All personal and sensitive information must be recorded and handled in confidence.

**The DSL will consider any factors which may affect judgement, and seek advice from Family Front Door as necessary. The child's welfare is always paramount!**



## 1.4 (iii) Record Keeping

### Documenting concerns

All records should be:

- A factual account of what was seen and heard, containing the child's own words where appropriate. The child should be identified by name and date of birth on each page
- Clear and legible, with minimal abbreviations. Blank spaces or alterations should be scored through with a single line, and the original entry must be legible
- Contemporaneous - written as soon as possible and always within 24 hours of an event or observation, (important if the record is needed for submission to court). The record should describe the care and condition of the child
- Dated, timed and signed
- Written in permanent black ink (to support scanning if necessary)
- Stored confidentially and securely

Clear records support decision making e.g. whether co-ordinated multi-agency support could be helpful, or a discussion with the Community Social Worker/referral to the Family Front Door is required

A professional opinion may be included in a record, but only if stated as such and the facts or observations upon which the opinion is based are made explicit.

Please see section 7 of this guidance for a series of recommended template forms to support effective record keeping in early years and childcare provision.

**Safety and welfare concerns form.** This form will help ensure that important details of the concern are recorded clearly and consistently. Concerns should be recorded by the person identifying the concern and the completed record should be given to the DSL immediately, for consideration and/or action.

**Safety and welfare concerns continuation form.** Following the recording of a concern, additional information may be recorded using a continuation sheet if necessary.

**Individual file chronology.** A chronological summary of incidents, concerns and actions, to support monitoring.

It is recommended that an **individual child protection file** is started for a child when:

- There are welfare and or safety concerns
- The child has been referred to the Family Front Door
- There is Children's Services Social Care involvement with the child/family
- The provision is participating in multi-agency support

However, many settings are seeing the benefit of beginning a chronology for a child when minor concerns arise, when the family is receiving additional support for the setting, or indeed for each child, because this provides context when concerns escalate and supports early identification of need.

If concerns relate to more than one child from the same family attending the setting a separate file for each child should be created and cross referenced to the records of other family members. Common records e.g. child protection conference notes should be referenced in each file. Other files relating to the child, for example SEN information, should also be cross referenced.

### **An individual child protection file might include:**

- Front sheet
- Individual file chronology
- All safety and welfare concern forms relating to the child
- Any notes initially recorded
- Records of discussions, telephone calls and meetings (with colleagues, other agencies or services, parents, and children/young people)
- Professional consultations
- Letters sent and received
- Referral forms
- Minutes/notes of meetings (copies for each child as appropriate)
- Formal plans linked to the child (e.g. Child Protection Plan)
- A genogram

### **Security, storage, and retention of records**

Individual files should be stored securely and separately from the child's other information so that they are shared only on a need to know basis, although these records may inform the individual file. The DSL should review such records regularly so that increasing concerns can be identified and action taken to ensure that needs are met.

Childcare providers must be aware of their responsibilities under the General Data Protection Regulations (2018) and where relevant the Freedom of Information Act (2000). Further information is available from the [Information Commissioner's Office](#).

Parents have the right to access information held about their child so records should be shared with them if they make this request, however there are some exceptions, namely those described previously in the section on sharing information with parents, for example when sharing the information would place the child at risk of significant harm.

When records contain personal information about another individual, for example another child, records should still be shared when requested but with the other person's information redacted.

All records relating to individual children must be retained for a reasonable period of time after they have left the provision (EYFS 2023). Currently it is recommended that Safeguarding/Child Protection records be retained until the child reaches the age of 25 years. This recommendation is in line with guidance in the [Information management Toolkit for Schools](#) available from the Information and Records Management Society.

## Transfer of Child Protection records at transition

It is important that child protection or welfare concern records are transferred at each stage of a child's education, when they move from one establishment to another, either at normal transfer stage such as moving from nursery to school, or as the result of a move such as a transfer to a different area. Responsibility for the transfer of records lies with the originating establishment, as the receiving setting or school may not be aware that child protection concerns exist.

Records should preferably be transferred within 5 days and must always be passed directly and securely to the safeguarding lead in the receiving establishment. The setting should transfer all records pertaining to the child, but the transfer of safeguarding records should be made separately from the transfer of other records, in line with DfE Guidance in 'Keeping Children Safe in Education' (March 2018).

Paper or electronic records containing safeguarding information should be transferred using the most secure method available to the establishment.

- By hand if possible
- Signed for if posted
- By a secure electronic transfer mechanism once the information has been encrypted.

To safeguard children effectively, it is important that when a child moves to a new educational establishment, the receiving establishment is immediately made aware of any current child protection concerns, preferably by telephone prior to the transfer of records.

### Children in more than one setting

Where children are dual registered (e.g. on roll at a mainstream school, but receiving education in another establishment, such as a Short Stay School or the MET or attending more than one early years setting), any existing child protection records should be shared with the new establishment **prior to the child starting**, to enable the new establishment to risk assess appropriately.

### Transfer form

Whether files are passed on by hand, by post or electronically, written evidence of this transfer (e.g. the form at Appendix A of this document) appropriately signed and dated, should be retained by both the originating and receiving setting. A sample form for this purpose is included in section 7 of this guidance.

Under General Data Protection Regulations the originating establishment should have good reason to retain copies of any information and should only keep what is proportionate for their needs, for a reasonable length of time. Settings therefore need to include safeguarding information in their retention policy and privacy notice. For example the setting could be asked to provide evidence after the child has left, so they may want to keep a copy of the transfer form, along with a copy of the chronology of events and any records pertaining to the establishment (e.g. completed 'Welfare Concern' forms), however, it may not be necessary for example to keep copies of the minutes of child protection conferences as these will be retained by Children's Social Care.

## **Children subject to a Child Protection (CP) Plan**

If a child is the subject of a Child Protection Plan at the time of transfer the originating establishment must speak to the safeguarding lead of the receiving establishment giving details of the child's key Social Worker from Children's Social Care Services and ensuring the establishment is made aware of the requirements of the child protection plan.

## **Receiving establishment unknown**

If a child, subject of a child protection plan, leaves an establishment and the name of the child's new education placement is unknown, the safeguarding lead should contact the child's Social Worker to discuss how and when records should be transferred.

Where the records are of prior child protection/welfare concerns, and there is not an open case or a social worker involved with the family, settings should inform the Family Front Door. Child protection files should be retained by the setting and transferred to the new setting, once known, or destroyed once the retention period has expired, as detailed in the retention section above.

## 1.5 Management of Allegation Procedures

**Staff must never investigate an allegation of abuse but must always follow the advice of the Family Front Door or other statutory body**

The Statutory Framework for the Early Years Foundation Stage (EYFS 2023) states:

‘A practitioner must be designated to take lead responsibility for safeguarding children in every setting’.

However, when a safeguarding concern involves the behaviour of someone living, working or looking after children on the premises, this becomes **the provider’s** responsibility.

It is **essential** that all staff at The Lenches Pre-school are confident to follow this ‘allegation management’ procedure.

### **Procedures to be followed if an allegation against a member of staff is received:**

- The Lenches Pre-school may receive an allegation of abuse from a child, a parent/carer, a member of staff or from an outside agency
- The allegation may be verbal or written but should be treated with equal concern
- Confirmation of the allegation in writing should be sought from the person making the allegation, but **action should not be delayed whilst awaiting written confirmation**
- The recipient of the allegation should immediately inform the DSL, who should immediately advise the setting manager and ensure the Registered Person is informed
- It is the responsibility of the registered provider to ensure that Ofsted (or any relevant childminder agency) and Children’s Social Care are informed
- The allegation will be recorded confidentially and stored securely.
- If the allegation is against the DSL/ DDSL or the manager it will be necessary to report the concern to the person's superior. If this is not possible staff should inform Children’s Social Care directly.
- The DSL/ DDSL should immediately advise the setting manager and ensure the Registered Person is informed
- If the allegation is against DSL, the member of staff in receipt of the allegation should immediately inform the setting manager directly or the Chairperson or if not possible inform Family front Door
- If the allegation is against the Registered Person the DSL should inform Children’s Social Care and notify Ofsted

**The telephone number for Children’s Social Care is 01905 822666**

**The telephone number for Ofsted is 0300 123 1231**

- A note should be made of any action advised by Children Services Access Centre or by Ofsted and of the date and time they are implemented
- The Registered Person may delegate responsibility for action to the setting manager, but remains accountable for ensuring that the concern is shared **immediately** with Children’s Social Care, and that Ofsted is notified as soon as possible within 14 days
- The provider should conduct a risk assessment to determine whether the staff member should be suspended.
- Parents/carers should be informed unless to do so could put the child in further danger
- The setting may be required to provide information to support an investigation
- If necessary, Children’s Social Care will discuss the allegation with the Local Authority Designated Officer (LADO). If the allegation meets the threshold criteria for an independent investigation then the LADO will convene a Position of Trust meeting.
- At The Lenches Pre-school a risk assessment will be carried out as to whether the member of staff involved should be suspended pending outcome of the LADO meeting.

**The allegation threshold criteria are met if the alleged perpetrator has:**

- Behaved in a way that has harmed a child, or might harm a child
- Possibly committed a criminal offence against, or related to, a child
- Behaved towards a child or children in a way that indicated he/ she is unsuitable to work with children

**The LADO Position of Trust meeting would determine whether:**

- Enquires and assessments by the Children's Social Care services are required to determine whether a child is in need of protection or in need of services
- Police investigation of a possible criminal offence is indicated
- There are implications in respect of the alleged perpetrator's potential suitability to work with/ have access to children at the setting

**The following representatives would be involved to a LADO Position of Trust meeting:**

- Children's social care
- The Police
- The Registered Person
- The registered provider
- Ofsted (or childminder agency)
- When early years or childcare settings are involved an officer from the Worcestershire Children First Early Years Team may also be asked to attend

**N.B. If an allegation is made directly to the police or Children's Services the Registered Person may be unaware of the allegation until informed of the LADO Position of Trust meeting.**

If as a result of the LADO Position of Trust meeting Children's Services Social Care and/or the Police decide to carry out an investigation, suspension of the alleged perpetrator will be reconsidered. A risk assessment will be carried out to determine whether the alleged perpetrator should be suspended during the investigation.

- The Lenches Pre-school will therefore not attempt to investigate the allegation
- The Lenches Pre-school will follow the advice of Family Front Door
- The allegation will be handled in confidence, and not discussed amongst the staff or with the **member of staff involved**, unless advised to do so by Family Front Door
- If an allegation is contained within a wider, more general complaint, the complaint must be recorded following the settings usual complaints procedure but with care to keep the detail of the allegation itself confidential
- The Lenches Pre-school may need to provide information to support the possible investigation by Social Care or the /police e.g. registers, staff rotas
- Parents/carers will be informed of the allegation involving their child unless by doing so this could put the child or adult in further danger
- The Lenches Pre-school will make alternative staffing arrangements, if the member of staff is suspended, to ensure staffing ratios are met
- If no further action is recommended by LADO Position of Trust meeting The Lenches Pre-school may still proceed with disciplinary procedures
- If The Lenches Pre-school has concerns about suitability of the member of staff to continue to work with children there is a statutory duty to refer to the Independent Safeguarding Authority (ISA),- or to the Disclosure and Barring Service (DBS) from December 2012
- In all cases where the allegation against a member of staff is made The Lenches Pre-school will review all policies and procedures and address identified training/ supervision needs

- At The Lenches Pre-school records of allegation will be retained until the alleged perpetrator reaches normal retirement age, or for 10 years if that is longer.

#### **The allegation management additional notes**

1. Allegation against the Registered Person

If an allegation is made against a Registered Person Ofsted may suspended the provider's registration in order to allow time for an investigation. Ofsted may suspend registration where it is reasonably believed that the continued provision of childcare by the Registered Person to any child may expose such a child to a risk of harm.

2. **Possible Outcomes of a Strategy Meeting/ Discussion:**

- No further multi-agency involvement
- Police investigation
- Social Care assessment further investigation from Ofsted
- Compliance action from Ofsted
- Referral to the Independent Safeguarding Authority and from December 2012 the Disclosure and Barring Service

**ACAS - Tel: 08457 474747**

**Department for Business, Innovation and Skills (BIS) - Tel: 020 7215 5000**

## 1.6 Safeguarding and recognising Venerable Children

### Introduction

The Lenches Pre-school recognises its duty to safeguard all children and vulnerable adults including parents and practitioners. We continuously update our knowledge on safeguarding topics and discuss at a management level how these themes of abuse may present themselves in our setting and how we then deal with this.

### Our Aims

- To continuously reflect and update knowledge on safeguarding threats to our community.
- Put in place policies and procedures that acknowledge potential new risks to our children, staff and parents.

### Child Sexual Exploitation (CSE)

**Child Exploitation** - Child exploitation 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. **Child sexual exploitation** does not always involve physical contact, it can also occur using technology and can still be abuse even if the sexual activity appears consensual. It could also be **child criminal exploitation, e.g. 'county lines'**, which is a geographically widespread form of harm involving drug networks or gangs, who groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Exploitation may also involve **modern slavery** and **trafficking**, which is not always from country to country, sometimes children are trafficked within the local area.

We recognise that CSE is a form of child abuse involving criminal behaviours against children and young people which can have a long-lasting adverse impact on a child's physical and emotional health.

In response to these risks we would;

- Follow our normal safeguarding procedures
- Refer to further information in the Orange CSE file
- Complete a CSE Identification risk tool which can be found on the Family Front Door website.
- When practitioners become aware of children who are affected by, or at risk of, sexual exploitation they have a duty to comply with the West Mercia Child Protection Procedures

[http://westmerciaconsortium.proceduresonline.com/chapters/g\\_step\\_by\\_step\\_respond\\_cse.html](http://westmerciaconsortium.proceduresonline.com/chapters/g_step_by_step_respond_cse.html)

A common feature of sexual exploitation is that the child often doesn't recognise the coercive nature of the relationship and doesn't see themselves as a victim. The child may initially resent what they perceive as interference by practitioners, but practitioners must act on their concerns, as they would for any other type of abuse. All practitioners are made aware of the indicators of sexual exploitation and all concerns are reported immediately to the DSL.

### Peer on peer abuse

Children can abuse other children or even siblings. 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. In such circumstances we would consider the potential needs of the perpetrator as well as the victim.



Where a child discloses safeguarding allegations against another pupil in the same setting, the DSL should refer to the local procedures on the WSCB and seek advice from the Family Front Door or Community Social Worker before commencing its own investigation or contacting parents.

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

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**. All forms of HBV are abuse (regardless of the motivation) and will be handled and escalated as such.

We recognise that our staff are well placed to identify concerns and take action to prevent children from becoming victims of so-called 'honour-based' violence (HBV) and provide guidance on these issues through our safeguarding training. If staff have a concern regarding a child that might be at risk of HBV they should inform the DSL who will activate local safeguarding procedures, using existing national and local protocols for multi-agency 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 teachers. 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 practitioners in England and Wales, to personally 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. We will provide guidance and support to our practitioners on this

requirement and further information on when and how to make a report can be found in the following Home Office guidance: 'Mandatory Reporting of Female Genital Mutilation - procedural information' (October 2015).

### **Children missing from education**

Children below statutory school age are not required to attend a setting regularly if at all, but once registered most do attend regularly and most parents will let the setting know if they are not going to be present. Therefore, we give consideration to children not attending and seek to assure ourselves that the child's absence is not a cause for concern.

**Children with family members in prison** - These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health.

**Homelessness** - Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour

**Online safety** – Children are often more adept at using technology than the adults around them, but do not necessarily understand the risks posed by those who they 'meet' online. In many cases too parents are not fully aware of the risks and we therefore endeavour to inform and empower parents and carers.

**Peer on peer abuse** - 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. In such circumstances we would consider the potential needs of the perpetrator as well as the victim.

**Poor mental health** – Poor parental mental health can be a significant risk factor for children and we would consider this in our assessment of children’s needs. We also acknowledge that children’s own mental health is an important factor in their health and development in both the short and long term, and we therefore work to promote good mental health and consider signs and indicators of poor mental health in children, as part of our safeguarding responsibilities.

**Sexual violence and sexual harassment between children** - 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. It can occur online and offline (both physical and verbal) and are never acceptable.

**Special education needs and disabilities** – Children with SEND are far more likely to be abused or neglected, possibly because of the challenges faced by parents and carers, or because they are particularly vulnerable if they have delayed cognitive and language development, and possibly because signs and symptoms of abuse and neglect can sometimes be attributed to their condition. We acknowledge and understand that unwanted behaviour in particular can be an indicator of trauma as a result of abuse and neglect and would therefore consider all needs holistically in order to determine the right kind of support for the child and family.

# 1.7 Promoting British Values and Prevent Duty

## Introduction

From the 1<sup>st</sup> July 2015 all Early Years Childcare providers and schools are subject to provide clear guidance of promoting British Values and preventing counter terrorism/extremism under section 26 of the Counter Terrorism and Security Act 2015. This duty is also known as the Prevent Duty. Paragraphs 57—76 of the guidance are concerned specifically with schools and childcare providers.

The prevent strategy, published by the Government in 2011 is part of our overall counter terrorism strategy, CONTEST. The aim being to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. The DfE have recently reinforced the need “to create and enforce a clear and rigorous expectation on all schools to promote the fundamental British values of democracy, the rule of Law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs”.

### Our Aim

As a pre-school we recognise that extremism and exposure to extremist materials and influences can lead to poor outcomes for children and so should be addressed as a safeguarding concern. The Lenches Pre-school also recognises that if we fail to challenge extremist views we are failing to protect our children.

We aim to prevent developing destructive relationships between communities that promote division, fear and mistrust of others based on ignorance or prejudice. Education is a powerful way in equipping young children with the knowledge, skills and critical thinking to challenge and debate this. At The Lenches Pre-school we will provide a broad and balanced environment delivered by skilled professionals so that our children are enriched, understand and become tolerant of difference and diversity and also to ensure that they thrive, feel valued and not marginalised.

### Procedures:

- The Lenches Pre-school will help support children who may be vulnerable to such influences as part of our wider safeguarding responsibilities and where we believe a child is being directly affected by extremist’s materials or influences we will ensure that the child is offered monitoring.

**STAFF WILL ALWAYS SEEK ADVICE FROM THE PREVENT TEAM ON  
[PREVENT@WARWICKSHIREANDWESTMERCIA.PNN.POLICE.UK](mailto:PREVENT@WARWICKSHIREANDWESTMERCIA.PNN.POLICE.UK)**

- We will teach and encourage children to respect one another and to respect and tolerate difference, especially those of a different faith or no faith.
- The Lenches Pre-school will not display graffiti symbols, writing or artwork promoting extremist messages or images.
- Children will not have access to extremist material online, including social networking sites.
- The Lenches Pre-school will encourage children to not voice opinions drawn extremist ideologies.
- We will not tolerate the use of extremist or hate terms to exclude others or incite violence.
- Children will be encouraged to not impose extremist views or practices on others.
- The Lenches Pre-school will not tolerate any Anti-Western or Anti-British views.
- The Lenches Pre-school will expect parents to report any changes in their child’s behaviour, friendships or actions that require assistance.

- The Lenches Pre-school will strive to eradicate the myths and assumptions that can lead to some young children becoming alienated and disempowered.
- The Lenches Pre-school will promote the values of democracy, the rule of law, individual liberty, mutual respect and tolerance for those with different faiths and beliefs.

**i) Democracy:** We will make decisions together and listen to children's and parent's voices. We will give children opportunities to choose activities and resources to develop enquiring minds in an atmosphere where questions are valued.

**ii) Rule of Law:** We promote that rules matter as cited in PSED. We reinforce our high expectations of children and teach the value and reasons behind them and that there are consequences when rules are broken.

**iii) Individual liberty:** We will promote freedom for all reflecting on their differences and understanding that everyone is free to have different opinions.

**iv) Mutual Respect:** We promote treating others as you wish to be treated. Children gain respect through interaction with caring adults who show and value their individual personalities.

**v) Tolerance of different Faiths and Beliefs:** We promote children's understanding of different faiths and beliefs by participating in a range of celebrations throughout the year. Giving them the opportunity to dress up in clothes and try foods from other cultures.

#### **Legal Framework:**

- Section 29 of the Counter Terrorism & Security Act 2015
- The Prevent Strategy 2011
- DFE Publications:
- The Prevent Duty – June 2015
- Promoting Fundamental British Values as part of SMSC in Schools, November 2015

All Staff will complete PREVENT training offered by the Early Years Alliance Educate site and update when required. We also discuss in team meetings how PREVENT may present itself in Early Years as a result of this we now have a permanent display demonstrating how we meet our PREVENT duty requirements.

#### **Further information**

D of E Extremism helpline 0207 340 7264 or email [counterextremism@education.gsi.gov.uk](mailto:counterextremism@education.gsi.gov.uk)

## 1.8 Looked After Children

### Policy statement

Early years settings are committed to providing quality provision based on equality of opportunity for all children and their families. All staff are committed to doing all they can to enable 'looked after' children in their care to achieve and reach their full potential.

Definition of 'Looked after Children' (LAC): *Children and young people become 'looked after' if they have either been taken into care by the local authority, or have been accommodated by the local authority (a voluntary care arrangement). Most LAC will be living in foster homes, but a smaller number may be in a children's home, living with a relative or even placed back home with their natural parent(s).*

We recognise that children who are being looked after have often experienced traumatic situations; physical, emotional or sexual abuse or neglect. However, we also recognise that not all looked after children have experienced abuse and that there are a range of reasons for children to be taken into the care of the local authority. Whatever the reason, a child's separation from their home and family signifies a disruption in their lives that has impact on their emotional well-being.

In our setting, we place emphasis on promoting *children's right to be strong, resilient and listened to*. Our policy and practice guidelines for looked after children are based on these two important concepts, *attachment and resilience*. The basis of this is to promote secure attachments in children's lives as the basis for resilience. These aspects of well-being underpin the child's responsiveness to learning and are the basis in developing positive dispositions for learning. For young children to get the most out of educational opportunities they need to be settled enough with their carer to be able to cope with further separation, a new environment and new expectations made upon them.

### Principles

- The term 'looked after child' denotes a child's current legal status; this term is never used to categorise a child as standing out from others. We do not refer to such a child using acronyms such as LAC.
- We do not offer placements for babies and children under two years who are in care; we offer instead other services to enable a child to play and engage with other children where their carer stays with the child.
- We offer places to two-year-old children in exceptional circumstances who are in care. In such cases, the child should have been with the foster carer for at least two months and show signs of having formed a secure attachment to the carer and where the placement in the setting will last a minimum of three months.
- We offer places for funded two, three and four year olds who are in care to ensure they receive their entitlement to early education. We expect that a child will have been with a foster carer for a minimum of one month and has formed a secure attachment to the carer. We expect that the placement in the setting will last a minimum of six weeks.
- We will always offer 'stay and play' provision for a child who is two to five years old who is still settling with their foster carer, or who is only temporarily being looked after.
- Where a child who normally attends our setting is taken into care and is cared for by a local foster carer we will continue to offer the placement for the child.

### Procedures

- The designated person for looked after children is the designated child protection co-ordinator.

- Every child is allocated a key person before they start and this is no different for a looked after child. The designated person ensures the key person has the information, support and training necessary to meet the looked after child's needs.
- The designated person and the key person liaise with agencies, professionals and practitioners involved with the child and his or her family and ensures appropriate information is gained and shared.
- The setting recognises the role of the local authority social care department as the child's 'corporate parent' and the key agency in determining what takes place with the child. Nothing changes, especially with regard to the birth parent's or foster carer's role in relation to the setting without prior discussion and agreement with the child's social worker.

### **The Care Plan**

- At the start of a placement there is a professionals meeting that will determine the objectives of the placement and draw up a care plan that incorporates and the child's learning needs. This plan is reviewed after two weeks, six weeks and three months. Thereafter at three to six monthly intervals.
- The care plan needs to consider such issues for the child as:
  - the child's emotional needs and how they are to be met;
  - how any emotional issues and problems that affect behaviour are to be managed;
  - the child's sense of self, culture, language/s and identity – how this is to be supported;
  - the child's need for sociability and friendship;
  - the child's interests and abilities and possible learning journey pathway; and
  - how any special needs will be supported.
- In addition the care plan will also consider:
  - how information will be shared with the foster carer and local authority (as the 'corporate parent') as well as what information is shared with whom and how it will be recorded and stored;
  - what contact the child has with his/her birth parent(s) and what arrangements will be in place for supervised contact. If this is to be the setting, when, where and what form the contact will take will be discussed and agreed;
  - what written reporting is required;
  - wherever possible, and where the plan is for the child's return home, the birth parent(s) should be involved in planning; and
  - with the social worker's agreement, and as part of the plan, the birth parent(s) should be involved in the setting's activities that include parents, such as outings, fun-days etc. alongside the foster carer.
- The settling-in process for the child is agreed. It should be the same as for any other child, with the foster carer taking the place of the parent, unless otherwise agreed. It is even more important that the 'proximity' stage is followed until it is visible that the child has formed a relationship with his or her key person sufficient to act as a 'secure base' to allow the gradual separation from the foster carer. This process may take longer in some cases, so time needs to be allowed for it to take place without causing further distress or anxiety to the child.
- In the first two weeks after settling-in, the child's well-being is the focus of observation, their sociability and their ability to manage their feelings with or without support.
- Further observations about communication, interests and abilities will be noted to form a picture of the whole child in relation to the Early Years Foundation Stage 7 areas of learning: Personal, Social and Emotional

Development, Communication and Language, Physical Development, Literacy, Mathematics, Understanding the World and Expressive Arts and Design.

- Concerns about the child will be noted in the child's file and discussed with the foster carer.
- If the concerns are about the foster carer's treatment of the child, or if abuse is suspected, these are recorded in the child's file and reported to the child's social care worker according to the settings safeguarding children procedure.
- Regular contact should be maintained with the social worker through planned meetings that will include the foster carer.
- Transition to school will be handled sensitively and the designated person and or the child's key person will liaise with the school, passing on relevant information and documentation with the agreement of the looked after child's birth parents.

### **Further guidance**

Guidance on the Education of Children and Young People in Public Care (DfE 2000)

Who does what: How Social Workers and Carers can Support the Education of Looked after Children (DfES 2005)

Supporting looked After Learners - A Practical Guide for School Governors (DfES 2006)

Please see Pupil Premium Policy on how else we can support LAC, found in this policy and procedures book.

## 1.9 Confidentiality and Client Access to Records

### Policy statement

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide)

In our setting, staff and managers can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality Early Years care and education in our setting. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of General Data Protection Regulation (2018) and the Human Rights Act (1998).

### Confidentiality procedures

- Most things that happen between the family, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Information shared with other agencies is done in line with our Information Sharing Policy.
- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.
- Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures and Privacy Notice) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- We keep all records securely
- Information is kept in a manual file, or electronically. Our staff may also use a computer to type reports, or letters. Where this is the case, the typed document is deleted from their PC and the copy is kept in secure USB.
- Where it is helpful to keep an electronic copy, we download it onto a disc, and kept securely in the preschool's file.
- Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our manager and the child's key person, and is shared with other staff on a need to know basis.
- We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual our practitioners and managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.



## Client access to records procedures

Parents may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled on them.
- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the setting manager.
- We acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- Our written acknowledgement allows one month for the file to be made ready and available.
- We will be able to extend this by a further two months where requests are complex or numerous. If this is the case, we will inform you within one month of the receipt of the request and explain why the extension is necessary
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- Our manager informs the Committee and legal advice may be sought before sharing a file. We may seek legal advice before sharing a file.
- Our manager goes through the file and ensures that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
- We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing to the manager giving or refusing consent for disclosure of that material.
- We keep copies of these letters and their replies on the child's file.
- 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc. We write to each of them to request third party consent.
- Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Members of our staff should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. We may grant refusal if the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded.
- When we have received all the consents/refusals the manager takes a photocopy of the complete file. On the copy of the file, the manager removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
- The copy file is then checked by the Chairperson and/ or legal advisors to verify that the file has been prepared appropriately.
- What remains is the information recorded by the setting, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- We photocopy the 'clean copy' again and collate it for the parent to see.

- The manager informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- The manager and the Chairperson meet with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent’s legal representative or interpreter.
- The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- The law requires that the information we hold must be held for a legitimate reason and must be accurate (see our Privacy Notice). If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent’s view of the matter. In most cases, we would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child’s file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never ‘under-record’ for fear of the parent seeing, nor do we make ‘personal notes’ elsewhere.

Telephone advice regarding general queries may be made to The Information Commissioner’s Office Helpline 0303 123 1113.

All the undertakings above are subject to the paramount commitment of our setting, which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection.

### **Legal framework**

- General Data Protection Regulations (GDPR) (2018)
- Human Rights Act (1998)

## 1.10 General Data Protection Regulations Privacy Notice

**GDPR Designated Person for The Lenches Preschool is:**

The manager

### Introduction

New General Data Protection Regulation (GDPR) was approved by the EU parliament in 2016 and comes into effect on the 25th May 2018, replacing the previous Data Protection Act, 1998. At its most basic level GDPR is designed to give people more control over their personal data by ensuring it is only ever collected, stored and utilised with specific consent.

The Lenches Pre-school Group is the data controller of the personal information you provide to us, personal information is defined as information that identifies a person as an individual. We are committed to ensure that any personal data we hold about you and your child is protected in accordance with data protection laws and is used in line with your expectations.

Our GDPR Policy can also be found on our website – [www.thelenchespreschool.org.uk](http://www.thelenchespreschool.org.uk)

This privacy notice explains what personal data we collect, why we collect it, how we use it and how we protect it.

### What personal data do we collect?

We collect personal data about you and your child to provide care and learning that is tailored to meet your child's individual needs. We also collect information in order to verify your eligibility for free childcare (Nursery Education Funding) as applicable.

Personal details that we collect about your child include:

- Names, addresses, telephone numbers, email addresses and other contact details
- Family details
- Relevant medical information
- Information about special educational needs and disabilities (SEND)
- Assessment information including behavioural information
- Education and employment data
- Images, audio and video recordings
- Financial information

Where applicable we will obtain child protection plans from social care and health care plans from health professionals.

We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.

Personal details that we collect about you include:

- your name, home and work address
- phone numbers, emergency contact details, and family details

This information will be collected from you directly in the Childs Registration Form.

If you apply for free childcare funding, we will also collect:

- Your national insurance number or unique taxpayer reference (UTR), if you're self-employed. We may also collect information regarding benefits and family credits that you are in receipt of.
- We will also use this data to check eligibility for EYPP and additional funding of 30 hours.

### **Why we collect this information and the legal basis for handling your data**

We use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's well-being and development
- to manage any special educational, health or medical needs of your child whilst at our setting
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up to 30 hours free childcare (only where applicable)
- to keep you updated with information about our service.

With your consent, we will also record your child's activities for their individual learning record. This may include photographs and videos. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

The Lenches Pre-school Group have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. We also have a legal obligation to transfer records and certain information about your child to the school that your child will be attending (see *Transfer of Records* policy).

### **Who we share your data with**

In order for us to deliver childcare services we will also share your data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about our service
- banking services to process chip and pin and/or direct debit payments (as applicable)
- the Local Authority (where you claim up to 30 hours free childcare as applicable)
- the government's eligibility checker (as above)
- our insurance underwriter (if applicable)
- our setting software management provider (if applicable)
- the school that your child will be attending

We will also share your data if:

- we are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of your contract with us;
- to protect your child and other children; for example by sharing information with social care or the police;
- it is necessary to protect our and others rights, property or safety
- we transfer the management of the setting, in which case we may disclose your personal data to the prospective buyer so they may continue the service in the same way.

We will share personal data (including special category personal data where appropriate) with third parties such as:

- Worcestershire Safeguarding Board
- HM revenue and customs
- Local authority i.e. claiming for NEF funding
- Department for work and pensions

- Public Health England i.e. reportable diseases
- Paramedics/health professionals in the case of an emergency
- Legal representatives regarding employment law or breach of contracts
- Schools or settings where the child has split placement
- Police
- Professional agencies when supporting children and families

Some of our systems are provided by third parties, e.g. pre-school website, providers portal and NEST pension scheme. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions.

We will never share your data with any other organisation to use for their own purposes.

### **How do we protect your data?**

The Lenches Pre-school takes its responsibilities as data controller seriously and review risk assessments regularly on how we store data to prevent a data breach. All paper copies of children and staff records are kept in a locked filing cabinet. Members of staff can have access to these files in order to perform their duties, however information taken from files about individual children is confidential. We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed.

### **How long do we retain your data?**

We retain your child's personal data for up to 3 years after your child no longer uses our setting, or until our next Ofsted inspection after your child leaves our setting. Medication records and accident records are kept for longer according to legal requirements. Your child's learning and development records are maintained by us and handed to you when your child leaves.

In some instances (child protection, or other support service referrals) we are obliged to keep your data for longer if it is necessary to comply with legal requirements. We have adopted the Early Years Alliance guidelines which set out the time period for which different categories of data are kept (see our Children's and Provider Records policies). All paper documents are shredded or deleted after the retention period.

### **Automated decision-making**

We do not make any decisions about your child based solely on automated decision-making.

### **Your rights with respect to your data**

You have the right to:

- *Be informed*- as a data subject you have a right to be informed of what data we process, this information is detailed within this privacy notice.
- *Request access, amend or correct your/your child's personal data*- at any time, an individual can make a subject access request (SAR) relating to their data, through contacting Natalie Waters. We will respond to any request as soon as is reasonably practicable and in any event within statutory time limits, which is currently one month. We will be able to respond quickly to smaller targeted requests for information. If the request is manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee, but only where we are legally entitled to do this. You should be aware that certain data is exempt from right of access. This may include information which identifies other individuals, or information which is subject to legal privilege.
- *Request that we delete or stop processing your/your child's personal data*, for example where the data is no longer necessary for the purposes of processing; and

- *Request that we transfer your, and your child's personal data to another person.*
- *Right to Objection-* data subjects can object to their data being used for certain activities like marketing or research.

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please contact us. If you have continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [ico.org.uk/](http://ico.org.uk/), or contactable on 0303 123 1113, Monday to Friday 9-5pm.

### **Changes to this notice**

The Lenches Preschool Group keep this notice under regular review. You will be notified of any changes where appropriate.

### **What happens if you don't provide information?**

Most personal data is required for us to fulfil our contractual obligations with you, we therefore have the right to withdraw our contract should essential data be withdrawn.

## 1.11 Information sharing policy

*'Sharing information is an intrinsic part of any front-line practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death.'*

*Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)*

### Policy statement

The Lenches Pre-school recognise that parents have a right to know that the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, we are obliged to share information.

We record and share information about children and their families (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR) (2018) which are further explained in our Privacy Notice that is given to parents at the point of registration.

#### **The six principles state that personal data must be:**

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the personal data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

The Lenches Pre-school obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, if it is in the public interest.

That is when:

- it is to prevent a crime from being committed or to intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The responsibility for decision-making should not rely solely on an individual, but should have the back-up of the management team. The management team provide clear guidance, policy and procedures to ensure all staff and volunteers understand their information sharing responsibilities and are able to respond in a timely, appropriate way to any safeguarding concerns.

## Procedures

The Lenches Pre-school procedure is based on the GDPR principles as listed above and the seven golden rules for sharing information in the Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers. We also follow the guidance on information sharing from the Local Safeguarding Children Board.

1. *Remember that the General Data Protection Regulations 2018 and human rights law are not barriers to justified information sharing as per the Children Act 1989, but provide a framework to ensure that personal information about living individuals is shared appropriately.*

- Our policy and procedures on Information Sharing provide guidance to appropriate sharing of information both within the setting, as well as with external agencies.

2. *Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their consent, unless it is unsafe or if I have a legal obligation to do so. A Privacy Notice is given to parents at the point of registration to explain this further.*

In our setting we ensure parents:

- Receive a copy of our Privacy Notice and information about our Information Sharing Policy when starting their child in the setting and that they sign our Registration Form to say that they understand the circumstances in which information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult;
- have information about our Safeguarding Children and Child Protection Policy; and
- have information about the other circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

3. *Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.*

- Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.
- The manager routinely seeks advice and support from the Chairperson about possible significant harm.
- Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our manager or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure.
- The managers seek advice if they need to share information without consent to disclose.

4. *Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.*

- We base decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation.
- We guidelines for consent are part of this procedure.



- The Manager conversant with this and is able to advise staff accordingly.
5. *Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.*

In our setting we:

- record concerns and discuss these with our designated person and/or designated officer from the management team for child protection matters;
  - record decisions made and the reasons why information will be shared and to whom; and
  - follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.
6. *Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.*
- Our Safeguarding Children and Child Protection Policy and Children's Records Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.
7. *Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.*
- Where information is shared, we record the reasons for doing so in the child's file; where it is decided that information is not to be shared that is recorded too.

## Consent

When parents choose The Lenches Pre-school setting for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We inform them as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign our Registration Form at registration to confirm that they understand this.
- We ask parents to give written consent to share information about any additional needs their child may have, or to pass on child development summaries to the next provider/school.
- We consider the following questions when we assess the need to share:
  - Is there a legitimate purpose to us sharing the information?
  - Does the information enable the person to be identified?
  - Is the information confidential?
  - If the information is confidential, do we have consent to share?
  - Is there a statutory duty or court order requiring us to share the information?
  - If consent is refused, or there are good reasons for us not to seek consent, is there sufficient public interest for us to share information?
  - If the decision is to share, are we sharing the right information in the right way?
  - Have we properly recorded our decision?

- Consent must be freely given and *informed* - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information as detailed in the Privacy Notice.
- Consent may be *explicit*, verbally but preferably in writing, or *implicit*, implied if the context is such that sharing information is an intrinsic part of our service or it has been explained and agreed at the outset.
- Consent can be withdrawn at any time.
- We explain our Information Sharing Policy to parents.

#### *Separated parents*

- Consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides. Where there is a dispute, we will consider this carefully.
- Where the child is looked after, we may also need to consult the Local Authority, as 'corporate parent' before information is shared.

All the undertakings above are subject to our paramount commitment, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection Policy.

#### **Legal framework**

- General Data Protection Regulations (GDPR) (2018)
- Human Rights Act (1998)

#### **Further guidance**

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)
- What to do if you're worried a child is being abused: Advice for practitioners (HM Government 2015)
- Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children (HM Government 2015)

## 1.12 Uncollected child

### Policy statement

In the event that a child is not collected by an authorised adult at the end of a session/day, the setting puts into practice agreed procedures. These ensure the child is cared for safely by an experienced and qualified practitioner who is known to the child. We will ensure that the child receives a high standard of care in order to cause as little distress as possible.

We inform parents/carers of our procedures so that, if they are unavoidably delayed, they will be reassured that their children will be properly cared for.

### Procedures

- Parents are asked to provide the following specific information when their child starts attending our setting, which is recorded on our Registration Form:
  - Home address and telephone number - if the parents do not have a telephone, an alternative number must be given, perhaps a neighbour or close relative.
  - Place of work, address and telephone number (if applicable).
  - Mobile telephone number (if applicable).
  - Names, addresses, telephone numbers and signatures of adults who are authorised by the parents to collect their child from the setting, for example a childminder or grandparent.
  - Who has parental responsibility for the child.
  - Information about any person who does not have legal access to the child.
- On occasions when parents are aware that they will not be at home or in their usual place of work, they inform us in writing of how they can be contacted.
- On occasions when parents or the persons normally authorised to collect the child are not able to collect the child, they provide us with written details of the name and telephone number of the person who will be collecting their child. We agree with parents how to verify the identity of the person who is to collect their child.
- Parents are informed that if they are not able to collect the child as planned, they must inform us so that we can begin to take back-up measures. We provide parents with our contact telephone number.
- We inform parents that we apply our child protection procedures as set out in our child protection policy in the event that their children are not collected from setting by an authorised adult within one hour after the setting has closed and the staff can no longer supervise the child on our premises.
- If a child is not collected at the end of the session, we follow the following procedures:
  - The child's file is checked for any information about changes to the normal collection routines.
  - If no information is available, parents/carers are contacted at home or at work.
  - If this is unsuccessful, the adults who are authorised by the parents to collect their child - and whose telephone numbers are recorded on the Registration Form - are contacted.
  - All reasonable attempts are made to contact the parents or nominated carers.
  - The child does not leave the premises with anyone other than those named on the Registration Form or in their file.
  - If no-one collects the child within 30 minutes of their expected collection time and there is no named contact who can be contacted to collect the child, we apply the procedures for uncollected children.
  - If we have any cause to believe the child has been abandoned, we contact the local authority children's social care team: **01905 822666**
- If the children's social care team is unavailable (or as our local authority advise) we will contact the local police

- After an additional 15 minutes if the child has not been collected, we will contact the above statutory agencies again.
- The child stays at the setting in the care of two of our fully-vetted workers, one of whom will be our manager or deputy manager until the child is safely collected either by the parents or by a social care worker, or by another person specified by social care.
- Social care will aim to find the parent or relative. If they are unable to do so, the child will become looked after by the local authority.
- Under no circumstances will we go to look for the parent, nor leave the setting premises with the child.
- We ensure that the child is not anxious and we do not discuss our concerns in front of them
- A full written report of the incident is recorded in the child's file.
- Depending on circumstances, we reserve the right to charge parents for the additional hours worked by our staff.
- Ofsted may be informed: **0300 123 1231**
- Our local Pre-school Learning Alliance office may also be informed 0207 6972500 Membership number

## 1.13 Missing child

### Policy statement

Children's safety is maintained as the highest priority at all times both on and off premises. Every attempt is made through carrying out the outing's procedure and the exit/entrance procedure to ensure the security of children is maintained at all times. In the unlikely event of a child going missing, our missing child procedure is followed.

### Procedures

#### *Child going missing on the premises*

- As soon as it is noticed that a child is missing the key person/staff alerts the setting manager.
- The setting manager will carry out a thorough search of the building and garden.
- The register is checked to make sure no other child has also gone astray.
- Doors and gates are checked to see if there has been a breach of security whereby a child could wander out.
- If the child is not found, the parent is contacted and the missing child is reported to the police.
- The setting manager talks to the staff to find out when and where the child was last seen and records this.
- The setting manager contacts the chairperson and reports the incident. The chairperson, with the management committee, carries out an investigation and may come to the setting immediately.

#### After the event following actions must be taken:

Contact Ofsted – 0300 1231231

Review Risk Assessments

Review Policies and procedures

#### *Child going missing on an outing*

This describes what to do when staff have taken a small group on an outing, leaving the setting manager and/or other staff back in the setting. If the setting manager has accompanied children on the outing, the procedures are adjusted accordingly.

What to do when a child goes missing from a whole setting outing may be a little different, as parents usually attend and are responsible for their own child.

- As soon as it is noticed that a child is missing, staff on the outing ask children to stand with their designated person and carry out a headcount to ensure that no other child has gone astray. One staff member searches the immediate vicinity but does not search beyond that.
- The setting manager is contacted immediately, and the incident is reported.
- The setting manager contacts the police and reports the child as missing.
- The setting manager contacts the parent, who makes their way to the setting or outing venue as agreed with the setting manager. The setting is advised as the best place, as by the time the parent arrives, the child may have been returned to the setting.
- Staff take the remaining children back to the setting.
- In an indoor venue, the staff contact the venue's security who will handle the search and contact the police if the child is not found.
- The setting manager contacts the chairperson and reports the incident. The chairperson, with the management committee, carries out an investigation and may come to the setting immediately.
- The setting manager, or designated staff member may be advised by the police to stay at the venue until they arrive.

### *The investigation*

- Staff keep calm and do not let the other children become anxious or worried.
- The setting manager together with the chairperson or representative from the management committee, speaks with the parent(s).
- The chairperson and management committee, carry out a full investigation taking written statements from all the staff in the room or who were on the outing.
- The key person/staff member writes an incident report detailing:
  - The date and time of the report.
  - What staff/children were in the group/outing and the name of the staff designated responsible for the missing child.
  - When the child was last seen in the group/outing.
  - What has taken place in the group or outing since the child went missing.
  - The time it is estimated that the child went missing.
- A conclusion is drawn as to how the breach of security happened.
- If the incident warrants a police investigation, all staff co-operate fully. In this case, the police will handle all aspects of the investigation, including interviewing staff. Children's Social Care may be involved if it seems likely that there is a child protection issue to address.
- The incident is reported under RIDDOR arrangements (see the Reporting of Accidents and Incidents policy); the local authority Health and Safety Officer may want to investigate and will decide if there is a case for prosecution.
- In the event of disciplinary action needing to be taken, Ofsted is informed.
- The insurance provider is informed.

### *Managing people*

- Missing child incidents are very worrying for all concerned. Part of managing the incident is to try to keep everyone as calm as possible.
- The staff will feel worried about the child, especially the key person or the designated carer responsible for the safety of that child for the outing. They may blame themselves and their feelings of anxiety and distress will rise as the length of time the child is missing increases.
- Staff may be the understandable target of parental anger and they may be afraid. Setting manager need to ensure that staff under investigation are not only fairly treated but receive support while feeling vulnerable.
- The parents will feel angry, and fraught. They may want to blame staff and may single out one staff member over others; they may direct their anger at the setting manager. When dealing with a distraught and angry parent, there should always be two members of staff, one of whom is the setting manager and the other should be the chairperson of the management committee or representative. No matter how understandable the parent's anger may be, aggression or threats against staff are not tolerated, and the police should be called.
- The other children are also sensitive to what is going on around them. They too may be worried. The remaining staff caring for them need to be focused on their needs and must not discuss the incident in front of them. They should answer children's questions honestly but also reassure them.
- In accordance with the severity of the final outcome, staff may need counselling and support. If a child is not found, or is injured, or worse, this will be a very difficult time. The chairperson or committee will use their discretion to decide what action to take.
- Staff must not discuss any missing child incident with the press without taking advice.

Following actions need to be taken: Review Risk Assessments & Policies and Procedure.

# 1.14 Use of mobile phones and camera image policy

## Introduction

The use of 'mobile phones, tablets/iPad and cameras' includes all hand held devices capable of photographic imagery. Images may be distributed via print, DVD, the internet or other technologies. Photographic imagery is integral to the recording of observations and celebration of achievements, and it is not the intention of this procedure to prevent the use of mobile phones, tablets/iPad and cameras in settings.

This procedure aims to ensure that there are clear guidelines in place which safeguard children, protect the rights of the individual, and provide staff with clear guidelines to follow, ensuring:

- Images are used appropriately and safely.
- Individual rights are respected and child protection issues considered.
- Safe storage of settings phones, cameras, images and memory cards.
- Personal phones, iPad/Tablets and cameras are securely stored and used appropriately.
- Parents/carers are given the right to opt out and this is respected by the staff.

### 1. Safeguarding Children

- The welfare and protection of our children is paramount, and consideration will always be given to whether the use of photography will place our children at risk.
- Signed consent is always sought.
- Additional consideration will be given to photographing vulnerable children.

### 2. Data Protection

We are exempt from having to register with the Information Commissioner's Office (ICO), as we are a non-profit organisation, however we still comply with the requirements of the register as 'data controllers' when processing personal information including images. ([ico.org.uk](http://ico.org.uk)).

### 3. Parental Consent

- On admission of a child to the setting parents/carers will be asked to complete a consent form indicating their agreement or objection regarding the use of images of their child. Consent will be discussed with the child, once they are old enough to understand, the child will then also be asked to sign the consent form.
- The parent/carer will be asked to confirm in writing, that they will inform the setting if they no longer wish images of their child to be used for any reason.
- Parents will be informed in advance if, for publicity purposes, their child is likely to appear in the press.

### 4. Images are only used for the purpose intended:

- Photographs and video images are used for settings purposes, which are, celebrating children's achievements through activities and displays and for evidence of the child's development. Group photographs are sometimes used as evidence of friendships, celebrations and activities and consent is sought from parents. However, these images are only shared with those parents of the children in the photograph.

### Staff ensure that:

- They always use the settings equipment for taking images.
- They will never photograph children in a state of undress, e.g. whilst changing.

- That no photographic equipment will be taken into the toilet area's under any circumstances, if any persons are found in possession of photographic equipment in these areas staff will immediately report to the DSL.
- They will report any concerns about inappropriate or intrusive photographs found to the DSL, following our safeguarding procedure.
- Group photographs are used for purpose outlined above.
- Images must never be shared without the consent of the parents/carers (e.g. Facebook, early year's bulletin, other agencies).
- Risk assess use of images, to include displays.
- Risk assess the sharing of images with parents/carers/other agencies.

### **5. Parental Photography**

- Parents/carers will ensure that they respect the settings decision to prohibit photography of certain children or a particular event and all images are taken for personal use only. This includes putting images on social media.

### **6. The use of Mobile Devices - which include, Cameras, Mobile Phones, I pads/tablets and Video equipment - by Children**

- Children are not permitted to use personal equipment in the setting for the purpose of taking photographs.

### **7. Safe storage of settings images, phones, cameras and memory cards:**

- Images should always be stored securely and password protected.
- Images should be destroyed or deleted once they are no longer required for the purpose for which they were taken.
- Images taken for publicity or promotional purposes will be destroyed after 4 years
- Settings phones, cameras and/or memory cards should be stored securely at the end of the session.

### **8. Personal phones and cameras are securely stored and used appropriately:**

- Personal phones and cameras should be stored securely away from the children (this applies to staff, parents and visitors).
- Personal phones and cameras should only be used outside of working hours and away from the premises.
  - The supervisor in charge will carry their personal mobile phone when leaving the premises with a group of children, signing their phone in and out.

### **9. Tapestry**

As we now are using Tapestry application to record your children's learning and development we will be using IT equipment to help us record this. Please see our tapestry policy for more information.

**Any staff member found in breach of this policy will be subject to a disciplinary.**



# 1.15 Internet policy and acceptable use policy

## Introduction

At The Lenches Pre-school we recognise the big part internet usage plays in the day to day running of our organisation. The internet is used for enhancing our provision and learning opportunities for the children in our care and is a valuable resource to our provision. Unfortunately, the internet has the potential to put our provision, children and staff at risk so this is why we have put in a place an **Internet Usage Policy** and **Acceptable Use Policy**.

### Our Aim

The Acceptable Use Policy (AUP) will aim to:

- Safeguard children and young people by promoting appropriate and acceptable use of information and communication technology (IT).
- Outline the roles and responsibilities of all individuals who are to have access to and/or be users of, work-related IT systems.
- Ensure all IT users have an acute awareness of risk, a clear understanding of what constitutes misuse and the sanctions that may be applied.
- The AUP will apply to all individuals who are to have access to and/or be users of work-related IT systems.
- This will include children and young people, parents and carers, early years practitioners and their managers, volunteers, students, committee members, visitors, contractors and community users. This list is not to be considered exhaustive.
- Parents and carers, and where applicable, other agencies, will be informed of any incidents of inappropriate use of IT that takes place on-site, and where known, off-site.

### Roles and responsibilities

#### Registered Person

- Overall responsibility ensuring on-line safety is integral part of everyday safeguarding practice.
- Ensure all staff and management have appropriate training to effectively implement on-line safety.
- To ensure clear and rigorous policies and procedures are applied to the use/non-use of personal ICT equipment by all individuals who affect or come into contact with the early years setting.
- Ensure the AUP is reviewed and monitored transparently.
- Allegations of misuse will be dealt with appropriately and promptly in line with agreed procedures.
- To ensure no misuse of on-line social media, including being friends with children's parents.
- Effective on-line safety systems are in situ and effective.

#### DSL/ DDSL

- Ensure they have knowledge of safeguarding, child protection and on-line safety.
- To ensure agreed policies and procedures are in place and implemented in practice.
- Any updates, issues or concerns are to be shared with all ICT users.
- Ensure all staff have relevant knowledge and training, with training needs being identified and actioned.
- An appropriate level of authorisation is given to all ICT users, dependant on roles and responsibilities.
- Any concerns and incidents are to be reported in a timely manner in line with agreed procedures.
- On-line safety will be put into the learning and development plans of children and young people.
- A safe ICT learning environment is to be promoted and maintained at all times.

## **Early Years Practitioners and Managers**

- To ensure any incidents or concerns are reported in a timely manner.
- IT equipment is to be checked before use and all relevant security systems judged to be operational.
- To ensure no misuse of on-line social media, including being friends with children's parents.
- Children and young people are to be supported and protected in their use of on-line technologies enabling them to use IT in a safe and responsible manner.
- On-line safety information is relayed to children appropriate for their age.
- Children and young people will know how to recognise and report a concern.
- All relevant policies and procedures are to be adhered to at all times and training undertaken as required.

## **Acceptable use by Early Years Practitioners and their Managers.**

At The Lenches Pre-school we believe that all Early Years' practitioners and their managers should be enabled to use work-based online technologies to access age appropriate resources for children and young people, for research and information purposes, and for study support.

## **Procedures**

All early years practitioners and their managers will be subject to authorised use as agreed by DSL.

- Authorised users will have their own individual password to access a filtered internet service provider. Users are not generally permitted to disclose their password to others, unless required to do so by law or where requested to do so by the DSL. All computers and related equipment are to be shut down when unattended to prevent unauthorised access. Preschool computers access will only be available under management direction.
- All early years practitioners and their managers are to be provided with a copy of the Acceptable Use Policy and a copy of the Acceptable Use Agreement, which they must sign, date and return. A signed copy is to be kept on file.
- The use of personal technologies will be subject to the authorisation of the DSL and such use will be open to scrutiny, monitoring and review.

## **In the Event of Misuse/ Misuse by Early Years Practitioners or Managers**

- Should it be alleged, that an early years practitioner or manager is to have misused any ICT resource in an abusive, inappropriate or illegal manner, a report is to be made to the DSL and the registered person immediately.
- Should the allegation be made against the DSL, a report is to be made to a senior manager and the registered person.
- Procedures are to be followed as appropriate, in line with the ICT Misuse procedure, Safeguarding Policy and/ or Disciplinary Procedures.
- Should allegations relate to abuse or unlawful activity, Children's Social Care, the Local Authority Designated Officer, Ofsted and/or the Police will be notified as applicable.

## **Acceptable use by visitors, contractors and others**

- All individuals who affect or come into contact with the early years setting are to be expected to behave in an appropriate and respectful manner.
- No such individual will be permitted to have unsupervised contact with children and young people.
- All guidelines in respect of acceptable use of technologies must be adhered to.

- The right to ask any individual to leave at any time is to be reserved.

## **The Lenches Pre-school Acceptable Use Policy Agreement for Practitioners**

I understand that I must use The Lenches Preschool IT systems in a responsible way, to ensure that there is no risk to my safety or to the safety and security of the IT systems and other users.

### **Keeping Safe**

- I know that the pre-school will monitor my use of the IT systems, email and other digital communications.
- I will only use my own user names and passwords which I will choose carefully so they cannot be guessed easily.
- I will not use any other person's username and password.
- I will ensure that my data is regularly backed up.
- I will not engage in any on-line activity that may compromise my professional responsibilities or compromise the reputation of the pre-school or its members.
- I understand that data protection requires that any personal data that I have access to must be kept private and confidential, except when it is deemed necessary that I am required by law or by school policy to disclose it to an appropriate authority.
- I will only transport, hold, disclose or share personal information about myself or others, as outlined in the preschool personal data policy.
- I will not try to bypass the filtering and security systems in place.

### **Promoting Safe Use by Learners**

- I will model safe use of the internet in preschool.
- I will educate young people on how to use technologies safely
- I will take immediate action in line with the preschool policy if an issue arises in preschool that might compromise learner, user or preschool safety or if a child reports any concerns.

### **Communicating**

- I will ensure that emails are sent to the correct recipient and that no child name is mentioned in line with data protection and safeguarding procedures. If the wrong recipient is inadvertently selected I shall inform the manager or DSL immediately.
- I will communicate online in a professional manner and tone, I will not use aggressive or inappropriate language and I appreciate that others may have different opinions.
- I will only communicate with students / pupils and parents / carers using official Preschool systems. Any such communication will be professional in tone and manner.
- I will be aware that any communication could be forwarded to my manager or committee member.
- The content of any email correspondence must not be defamatory, abusive nor illegal and must accord to the preschools equal opportunities policy. Sending and receiving obscene or pornographic or other offensive material is not only considered to be gross misconduct but may also constitute a criminal offence.
- I will not use personal email addresses on the preschool ICT systems unless I have permission to do so.

### **Research and Recreation**

- I will not upload, download or access any materials which are illegal (child sexual abuse images, criminally racist material, adult pornography covered by the Obscene Publications Act) or inappropriate or may cause harm or distress to others.

- I will not (unless I have permission) make large downloads or uploads that might take up internet capacity.
- I will not state where I work on any social media site.
- I will not be friends with any parents of preschool on social media sites.
- I know that all pre-school IT is primarily intended for educational use and I will only use the systems for personal or recreational use if this is allowed by the pre-school.

### **Sharing**

- I will not access, copy, remove or otherwise alter any other user's files, without their permission.
- I will ensure that I have permission to use the original work of others in my own work and will credit them if I use it.
- Where work is protected by copyright, I will not download or distribute copies (including music and videos).
- I will only take images / video of children and staff where it relates to agreed learning and teaching activities and will ensure I have parent/staff permission before I take them. This will only be done on preschool photographic equipment.
- If these are to be published online or in the media I will ensure that parental / staff permission allows this.
- I will not use my personal equipment to record images / video
- I will not keep images and videos of children stored on my personal equipment.
- Where these images are published (e.g. on the pre-school website) I will ensure it is not possible to identify the people who are featured by name or other personal information.

### **'Social media and personal contact**

- Staff are not to become friends with parents outside of the preschool setting or on social media/ business pages (Facebook, Instagram, twitter etc) until the child/family have left the setting.
- Staff are requested to unfriend parents from social media that join the setting until the child or family have left the setting.
- Staff, committee and families are not to make contact about preschool in their own time through personal contact or social media sites. All Pre-school communication is to be made between Pre-school opening hours and through the appropriate channels i.e. Pre-school emails or phone. If anyone is contacted out of the hours and inappropriate method this is to be reported to the management and Chair of the committee at the earliest opportunity. '

### **Buying and Selling**

- I will not use pre-school equipment for online purchasing unless I have permission to do so from the manager.
- Only the management team have access to online when in the setting.

### **Problems**

- I will immediately report any illegal, inappropriate or harmful material or incident I become aware of, to the DSL or Manager.
- I will not install or store programmes on a computer unless I have permission.
- I will not try to alter computer settings.
- I will not cause damage to ICT equipment in pre-school.
- I will immediately report any damage or faults involving equipment or software, however this may have happened.
- I will not open any attachments to emails, unless the source is known and trusted, due to the risk of the attachment containing viruses or other harmful programmes.

I understand that these rules are in place to enable me to use ICT safely and that if I do not follow them I may be subject to disciplinary action. I agree to use ICT by these rules when:

- I use pre-school ICT systems at preschool when I have permission to do so

- I use my own ICT out of pre-school to use pre-school sites or for activities relating to my employment by the pre-school

Confidentiality should be abided to at all times. If using social networking sites I will respect confidentiality and be professional in my conduct. I will set my security settings to a high standard on social media sites.

I understand failure to comply to this agreement will result in disciplinary action and depending on the seriousness of the breach may result in dismissal.

Staff / Volunteer Name .....

Signed .....

Date .....

New technologies have become integral to the lives of children and young people in today's society, both within schools and in their lives outside school. Technologies open up new learning opportunities for everyone. They can stimulate discussion, promote creativity and effective learning, and promote more effective communications between parents / carers and the school in order to support young people with their learning. Young people should have an entitlement to safe internet access. This Acceptable Use Policy is intended to ensure:

- All young people will be responsible users and stay safe while using the internet and other communications technologies for educational, personal and recreational use.
- Pre-school IT systems and users are protected from accidental or deliberate misuse that could put the security of the systems and users at risk.
- Parents and carers are aware of the importance of e-safety and are involved in the education and guidance of young people with regard to their on-line behaviour.

The Pre-school will try to ensure that students have good access to ICT to enhance their learning and will, in return, expect the students to agree to be responsible users.

### **Use of Digital / Video Images**

The use of digital / video images plays an important part in learning activities. Members of staff may use digital cameras to record evidence of learning and activities. These images may then be used to celebrate success through their publication in newsletters, on the Pre-school website and occasionally in the public media. The Pre-school will comply with the Data Protection Act and request parents / carers permission before taking images of members of the setting. We will also

ensure that when images are published the young people cannot be identified by the use of their names unless specified by the newspapers, however consent will be sought beforehand.

# 1.16 Making a complaint

## Introduction

Our pre-school believes that children and parents are entitled to expect courtesy and prompt, careful attention to their needs and wishes. We welcome suggestions on how to improve our preschool and will give prompt and serious attention to any concerns about the running of the preschool. We anticipate that most concerns will be resolved quickly by an informal approach to the appropriate member of staff. If this does not achieve the desired result, we have a set of procedures for dealing with concerns.

### Our Aim

We aim to bring all concerns about the running of our setting to a satisfactory conclusion for all of the parties involved. To achieve this, we operate the following complaints procedure.

### Procedure

#### How to complain

**Stage 1** -Any parent who has a concern about an aspect of the pre-school's provision talks over, first of all, his/her worries and anxieties with the Pre-school Manager.

**Stage 2**- If this does not have a satisfactory outcome, or if the problem recurs, the parent moves to Stage 2 of the procedure by putting the concerns or complaint in writing to the pre-school Manager and the chair of the management committee.

- Most complaints should be resolved amicably and informally at Stage 1 or at Stage 2.
- The pre-school stores written complaints from parents in the child's personal file. However, if the complaint involves a detailed investigation, the pre-school manager may wish to store all information relating to the investigation in a separate file designated for this complaint.
- When the investigation into the complaint is completed, the pre-school manager meets with the parent to discuss the outcome.
- When the complaint is resolved at this stage, the summary points are logged in the complaints Summary Record.

**Stage 3**- The parent requests a meeting with the pre-school manager and the chair of the management committee. The parent should have a friend or partner present if required and the manager should have the support of the registered person of the management committee, present.

- An agreed written record of the discussion is made as well as any decision or action to take as a result. All of the parties present at the meeting sign the record and receive a copy of it.
- This signed record signifies that the procedure has concluded. When the complaint is resolved at this stage, the summarize points are logged in the Complaints Summary Record.

**Stage 4**- If at the Stage 3 meeting the parent and pre-school cannot reach agreement, an external mediator is invited to help to settle the complaint. This person should be acceptable to both parties, listen to both sides and offer advice. A mediator has no legal powers but can help to define the problem, review the action so far and suggest further ways in which it might be resolved.

- Staff or EYCC development officer are appropriate persons to be invited to act as mediators.

- The mediator keeps all discussion confidential. S/he can hold separate meetings with the preschool personnel (preschool manager and chair of the management committee) and the parent, if this is decided to be helpful. The mediator keeps an agreed written record of any meetings that are held and of any advice s/he gives.

**Stage 5-** When the mediator has concluded her/his investigations, a final meeting between the parent, the pre-school manager and the chair of the management committee is held. The purpose of this meeting is to reach a decision on the action to be taken to deal with the complaint. The mediator's advice is used to reach this conclusion. The mediator is present at the meeting if all parties think this will help a decision to be reached.

- A record of this meeting, including the decision on the action to be taken, is made. Everyone present at the meeting signs the record and receives a copy of it. This signed record signifies that the procedure has concluded.

*The role of the Office for Standards in Education, Children's Services and Skills (Ofsted), the Local Safeguarding Children Board and the Information Commissioner's Office*

- Parents may approach Ofsted directly at any stage of this complaints procedure. In addition, where there seems to be a possible breach of the setting's registration requirements, it is essential to involve Ofsted as the registering and inspection body with a duty to ensure the Safeguarding and Welfare Requirements of the Early Years Foundation Stage are adhered to.

Parents can complain to Ofsted by telephone or in writing at:

**Contact OFSTED 0300 123 1231**

**OFSTED Web site [www.ofsted.gov.uk](http://www.ofsted.gov.uk)**

Ofsted National Business Unit, Piccadilly Gate, Store Street, Manchester M1 2WD

- These details are displayed on our notice board.
- If a child appears to be at risk, we follow the procedures of the Local Safeguarding Children Board.
- In these cases, both the parent and our setting are informed and the manager work with Ofsted or the Local Safeguarding Children Board to ensure a proper investigation of the complaint, followed by appropriate action.
- The Information Commissioner's Office (ICO) can be contacted if you have made a complaint about the way your data is being handled and remain dissatisfied after raising your concern with us. For further information about how we handle your data, please refer to the Privacy Notice given to you when you registered your child at our setting. The ICO can be contacted at Information Commissioner's Office

**Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [ico.org.uk](http://ico.org.uk)**

## Records

- A record of complaints in relation to our setting, or the children or the adults working in our setting, is kept for at least three years; including the date, the circumstances of the complaint and how the complaint was managed.

The outcome of all complaints is recorded in our Complaint Investigation Record and or Significant Event Form, which is available for parents and Ofsted inspectors to view on request.

This is kept with the safeguarding information in a locked cabinet.

# 1.15 Whistle-blowing policy

## Introduction

Whistle-blowing is raising a concern about malpractice within an organisation. It is our intention that staff working at The Lenches Pre-school feel confident about coming forward and reporting any issues/concerns that they may have regarding the areas documented below, whilst remaining protected from any subsequent discrimination.

### Our Aim

- Ensure staff understand their responsibilities and feel confident in raising and reporting a serious concern at the earliest opportunity.
- Provide avenues for staff to raise concerns and receive feedback on any action taken.
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosures in good faith.

### Procedures

Any concerns can be reported without this leading to any harassment or victimisation, and every effort will be made to keep both the concern and the member of staff's identity confidential

### What should be reported?

- The inappropriate treatment or care of a child.
- Any breach in the behaviour of manager, staff, student or volunteer.
- Discrimination of any kind.
- Concerns that could impact on the health and safety of the children or adults.
- Persons found in possession of photographic equipment in toilet areas will be immediately reported to the DSL or to the chair of the committee.
- Any concerns about inappropriate or intrusive photographs
- Any breach of the settings policies and procedures.

### Methods

- A concern can be initially raised by any staff member to their Deputy Manager, Manager and/or a Committee member.
- Discuss the nature of the concern together with the background, history of the concern and provide the relevant dates of incidents.
- There is no expectation that staff prove beyond doubt the truth of their suspicion; however they will need to demonstrate that they are acting in good faith and there are reasonable grounds for their concern. All employees will be treated fairly.

### Concerns will be dealt with in the following way;

- Initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take.
- The incident will be investigated by the Manager and/or Committee member and/or Ofsted Lead.



- If appropriate it will be referred and put through established Safeguarding children procedures and may form the subject of an independent inquiry.
- Within ten working days of a concern being raised, the member of staff will receive in writing:
  - Acknowledgement that the concern has been received.
  - An indication as to how the setting will proceed to deal with the matter.
  - Supply the member of staff with information on staff support mechanisms.
  - Inform the member of staff concerned as to whether any further investigation will take place and if not, why not.
- It may be necessary for the Chairperson to interview staff to ensure that their disclosure is fully understood. Any meeting can be arranged away from the workplace, if so wished, and a representative or a friend may accompany the involved member of staff for support.
- If there are any difficulties experienced as a result of raising a concern, support will be offered.
- Staff will be kept informed, of the progress and outcome of any investigation to assure that any disclosure has been properly addressed unless legal reasons determine otherwise.
- Confidentiality – will be maintained and every effort will be made not to reveal a member of staff's identity if they so wish. If, however a member of staff makes an allegation frivolously maliciously or for personal gain, appropriate action, that could include disciplinary action, may be taken.
- The Public Interest Disclosure Act 1998 seeks to protect employees from discrimination as a result of 'blowing the whistle' on their organisation, or individuals within it, through amendments to employment law.

**If an employee or volunteer feels the matter cannot be discussed with the manager,  
they should contact Ofsted;**

**Whistleblower hotline – WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1  
2WD.**

**0300 123 3155 Monday to Friday 8.00 to 18.00.**