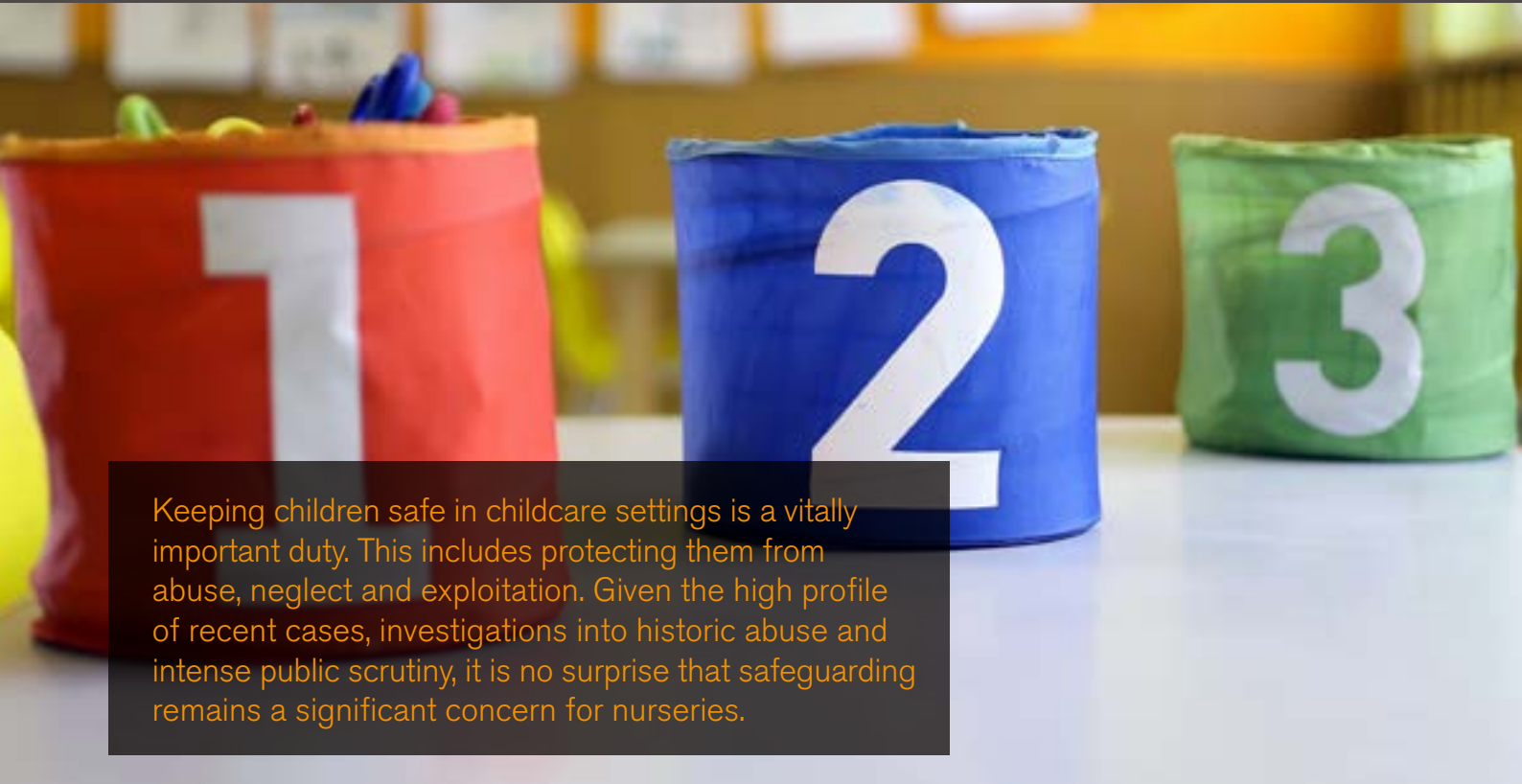


Safeguarding in nurseries



Keeping children safe in childcare settings is a vitally important duty. This includes protecting them from abuse, neglect and exploitation. Given the high profile of recent cases, investigations into historic abuse and intense public scrutiny, it is no surprise that safeguarding remains a significant concern for nurseries.

Central to this, are the staff who need to play an essential role in protecting children. They have regular contact with them so are in a strong position to identify signs of abuse and neglect.

It can be a challenging area to get right. This is not just because effective strategies are dependent on fostering a safe, trusting and supportive culture. But also, the nature of abuse and awareness of it is constantly evolving. For example, advances in and accessibility to technology coupled with the normalisation of social media platforms has increased the potential for abuse.

It is essential then that safeguarding practices keep pace with these changes in this fast developing area. This calls for strong leadership, empowered staff who are properly trained and an environment where people feel confident in reporting any concern. To support this, robust safeguarding procedures are key. Obviously, these should provide the necessary framework and detailed arrangements to maintain a safe environment. Ensuring these arrangements are adequately implemented to reflect current statutory guidance and best practice is a good first-step.

Forms of abuse

Abuse can take many forms including:

- physical – such as assault or inappropriate physical sanctions
- sexual – examples include sexual assault or other non-consensual acts
- psychological – including emotional abuse, threats of harm or abandonment and harassment
- neglect and acts of omission – examples include failure to provide access to appropriate care or educational services
- discriminatory – including discrimination on grounds of race, gender, gender identity, disability, sexual orientation and religion.

Child abuse - definition

“A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.”*

*Working Together to Safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children, DoE, July 2018

Legal requirements

As you would expect, there is a detailed legal framework aimed at protecting children. At first glance, it can appear complex. Examples of key legal requirements are set out in the Children’s Acts of 1989 (this provides the legislative framework for child protection in England); the Children’s Act 2004 (which strengthens the 1989 Act); and the Education Act 2002 (which includes a provision requiring school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of children).

Childcare establishments are also subject to a range of statutory guidance. This includes Working Together to Safeguard Children, Keeping Children Safe in Education and the Early Years Foundation Stage Framework.

Managing safeguarding

Some of the key elements of an effective approach to managing safeguarding include:

Leading from the front

It is important that owners, providers and senior leadership teams promote a culture of taking safeguarding seriously. They should acknowledge that ultimate responsibility for child protection rests with them and that safeguarding is part of their duty of care to their nursery.

This can be evidenced by a public commitment to the importance of safeguarding and promoting the welfare of children, including lines of accountability within the organisation.

All senior leadership teams should be able to provide evidence that adequate safeguarding arrangements are in place and rigorously followed. Any policy should be approved and endorsed by them or the owner and reviewed by them where things change.

Setting out your policy

Setting out how children will be kept safe is essential. Usually, this will be in the form of a written safeguarding policy.

This document not only highlights the nurseries’ commitment to protect children in the form of a statement, it should also detail the arrangements and responsibilities for doing this. It should link to any other supporting procedures (e.g. those relating to whistle blowing, acceptable behaviour etc.), as well as detailing how any concerns will be dealt with. These should be in-line with official guidance and procedures. They should include an explanation of the action to be taken

when there are safeguarding concerns about a child and where an allegation is made against a member of staff. They should also cover the use of mobile phones and cameras in the setting amongst other things.

Each nursery must have its own child protection policy specific to that setting being clearly and concisely written. It should be dated and signed by the most senior person. It will need to be reviewed annually and revised (if required) by senior management or the owner as often as necessary, or where there are organisational, legal or other changes.

Getting specialist help

It is important for any nursery to have access to appropriate advice, guidance and expertise on safeguarding matters.

A practitioner must be designated to take lead responsibility for safeguarding children in every setting. They will be responsible for taking the lead on all matters for safeguarding and child protection, including liaison with local statutory children's services agencies etc. They must provide support, advice and guidance to any other staff on an ongoing basis, and on any specific safeguarding issue as required. This should be explicit in the role holder's job description.

The lead practitioner should have the appropriate status and authority within the nursery to carry out the duties of the post and should be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters. They must attend a child protection training course that enables them to identify, understand and respond appropriately to signs of possible abuse and neglect.

In addition to this, it may be necessary to put arrangements in place for sourcing external help or support where this is needed. Where this is the case, the arrangements should set out suitable procedures for assessing the competency of any external providers. These procedures may require that competency is demonstrable through membership of a professional body or recognised training.

Organisations such as the National Day Nurseries Association are able to provide specialist help on all safeguarding matters. They have a range of training services as well as guides, tools and templates. Further information is available at www.ndna.org.uk.

Identifying critical roles and risk assessment

Arrangements should be in place to ensure that the physical risks associated with the activities undertaken by the children are identified and managed. Each nursery's risk assessments and procedures should reflect the type of activities involved, including any particular vulnerabilities.

Implementing safer recruitment practices

Effective recruitment procedures demonstrate to staff and others the importance given to the safety and wellbeing of children.

Owners and others must act reasonably in making decisions about the suitability of prospective employees based on checks and evidence, including criminal record checks (Disclosure and Barring Service (DBS) checks), barred list checks and prohibition checks, together with references and interviews.

The induction process should include safeguarding training appropriate to the role. The organisation should provide a code of conduct describing standards of behaviour required of staff in order to fulfil their roles. This code should assist in the protection of the children, members of staff and any volunteers. Written confirmation should be retained showing that any new recruit has received, understood and will comply with the safeguarding policy and procedures.

Providing training and information

All staff need to attend relevant safeguarding training to give them up-to-date knowledge and skills to recognise signs of abuse, neglect or inappropriate behaviour and be confident in responding to any concerns raised.

They also need to understand local policy and procedures appropriate to their roles and responsibilities.

As mentioned previously, staff who are the designated lead for safeguarding should attend more advanced training. This is because they are responsible for taking appropriate action to safeguard children and making referrals to other agencies.

Statutory guidance provides further detail on the training and information that needs to be provided.

Monitoring and reviewing your practices

Any safeguarding policy should be reviewed at least annually or whenever regulatory or other changes occur. Any revisions or amendments should be made, once arrangements have been made to implement them, and they have been effectively communicated to staff and others.

All safeguarding arrangements should be kept under close and regular review. Prompt action should be taken as a consequence of any safeguarding issues that arise and conclusions drawn. Some nurseries may seek assistance from external safeguarding specialists to review policies and procedures.

Keeping appropriate documentation

Clear and accurate records are a necessity, particularly where referrals have to be made to a child protection agency because someone may be at risk of abuse or in need. Other records may also be needed where an organisation is called upon to prove that they were compliant with regulations and guidance at the time of an alleged safeguarding incident.

As such, a document retention policy should be in place. This should specify the documents to be kept, the periods for which they need to be retained and the security arrangements required for their safe storage and disposal.

The recent amendment to data protection regulations (known as GDPR 2018) places greater emphasis on the need to justify the rationale for retaining personal information. Organisations will remain compliant as long as they are able to demonstrate why it is necessary to keep this information for safeguarding purposes and will remain compliant as long as they can demonstrate a lawful basis for holding this information. Further information is available at www.ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr.

Useful references

These include:

- Keeping children safe in education: Statutory guidance for schools and colleges, DoE, 2018 available at www.gov.uk/government/publications/keeping-children-safe-in-education--2
- Keeping children safe in education: Statutory guidance for schools and colleges, Part 1: Information for all school and college staff, DoE, 2018 available at www.gov.uk/government/publications/keeping-children-safe-in-education--2
- Statutory framework for the early year's foundation stage: Setting the standards for learning, development and care for children from birth to five, DoE. 2017 available at www.gov.uk/government/publications/early-years-foundation-stage-framework--2

Need to contact us?

For further advice Ecclesiastical customers can call our risk advice line on **0345 600 7531** (Monday to Friday 9am - 5pm, excluding bank holidays) or email us at risk.advice@ecclesiastical.com and one of our experts will call you back within 24 hours.

This guidance is provided for information purposes and is general and educational in nature and does not constitute legal advice. You are free to choose whether or not to use it and it should not be considered a substitute for seeking professional help in specific circumstances. Accordingly, Ecclesiastical Insurance Office plc and its subsidiaries shall not be liable for any losses, damages, charges or expenses, whether direct, indirect, or consequential and howsoever arising, that you suffer or incur as a result of or in connection with your use or reliance on the information provided in this guidance except for those which cannot be excluded by law. Where this guidance contains links to other sites and resources provided by third parties, these links are provided for your information only. Ecclesiastical is not responsible for the contents of those sites or resources. You acknowledge that over time the information provided in this guidance may become out of date and may not constitute best market practice.



WORKING TOGETHER WITH



Ecclesiastical Insurance Office plc (EIO) Reg. No.24869 is registered in England at Beaufort House, Brunswick Road, Gloucester, GL11JZ, UK and is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.