

Safeguarding and child protection guidance

For private, voluntary, and independent early years and
childcare providers

Reviewed June 2023

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This guidance was updated in 2023, to reflect:

- Early Years Foundation Stage 2021
- Keeping Children Safe in Education (KCSiE) 2023
- Teaching children to keep themselves safe.
- Exploitation
- SEND
- Early help assessment
- Mental health
- Contextual safeguarding

Introduction

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

Family Front Door

- 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

Worcestershire Children First - early years team - 01905 844048

Section 1: The legislative framework

Legal framework and responsibilities

The Early Years Statutory Framework 2021 Changes -

<https://www.gov.uk/government/publications/changes-to-the-early-years-foundation-stage-eyfs-framework/changes-to-the-early-years-foundation-stage-eyfs-framework>

The Early Years Statutory Framework -<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

- [Keeping Children Safe in Education 2023 \(opens in new window\)](#)

For maintained nursery's

[The Children Act 1989 \(opens in new window\)](#) 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 \(opens in new window\)](#) 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 2021 \(opens in new window\)](#) made under section 157 of this Act.

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

[The FGM Act 2003 \(opens in new window\)](#): 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 \(2015\) \(opens in new window\)](#) to establish mandatory reporting of FGM.

[The Children Act 2004 \(opens in new window\)](#)

- **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 \(opens in a new window\)](#) 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 \(opens in new window\)](#)
- **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 \(opens in new window\)](#) contains further information.

[Safeguarding Vulnerable Groups Act 2006 \(opens in new window\)](#) **section 35** of this act makes it a duty to ensure a referral to the Disclosure and Barring Service (DBS) 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 \(2017\) \(opens in new window\)](#) 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 \(opens in new window\)](#) 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 \(opens in new window\)](#) 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 \(opens in new window\)](#).

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

Updated April 2021 <https://www.gov.uk/government/publications/prevent-duty-guidance>

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 organisations 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 \(opens in new window\)](#) 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 \(opens in new window\)](#), 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 \(opens in new window\)](#) 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 \(EYFS\) \(opens in new window\)](#) and the requirements of the childcare register as appropriate.

The Education Inspection Framework (EIF) does not include a specific safeguarding judgement, but safeguarding practice is assessed holistically across the provision. [Early years inspection handbook for Ofsted-registered provision for September 2021 \(Updated April 2023\)](#) 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.

Section 2 - Safeguarding and child protection 'roles and responsibilities'

'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 2021)
- 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 2021'
- Implement the requirements of the early years foundation stage (2021)
- 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 WCF Education safeguarding team yearly (statutory guidance remains every two years).

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.
- Ensure robust risk assessments are carried regularly out to ensure safety of all children and including babies and young children while they sleep, DSL'S to be familiar with safer sleeping guidance and SIDS information [Sudden infant death syndrome \(SIDS\) - NHS \(www.nhs.uk\)](https://www.nhs.uk), [Reduce the risk of sudden infant death syndrome \(SIDS\) - NHS \(www.nhs.uk\)](https://www.nhs.uk) & [Lullaby Trust Homepage](https://www.lullabytrust.com)
- To lead on Operation Encompass (domestic abuse notification system) ([Operation Encompass Homepage](https://www.operationencompass.org))
- Liaise with the local authority and share information to support MARAC (multi agency risk assessment conference).
- Complete WCF safeguarding audit to support reflective practice and support keeping children safe.

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.

[Early Years Safeguarding Training Pathway \(opens in new window\)](#)

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.

Section 3.1 – Recognising abuse and neglect

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.

Domestic abuse

The cross-government definition of domestic violence and abuse is: 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 sex or sexuality. The abuse can encompass but is not limited to psychological; physical; sexual; financial; and emotional.

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.

Please refer to Worcestershire's [Neglect Strategy and Toolkit \(opens in new window\)](#) 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.

Find more information about child exploitation on the [Get Safe website \(opens in new window\)](#).

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.

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

'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.

Child on child 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 radicalisation - 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 LGBTQ 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.

Section 3.2 – Responding to concerns

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 and 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. Support for the child and family may need early support help and completing an Early help assessment may help in the responding to concerns

<https://www.worcestershire.gov.uk/earlyhelpfamilysupport>

Each Early Years settings and childminders will need to have their own Early Help offer. For guidance and support, please see the link below:

[Early Help Guidance for Professionals](#)

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?'

Processes to protect children from Domestic Abuse

- Operation Encompass ([Operation Encompass Homepage](#))
- Operation Encompass is a police and education early information safeguarding partnership enabling early years settings to offer immediate support to children experiencing domestic abuse
- Operation Encompass ensures that there is a simple telephone call or notification to a setting trained Designated Safeguarding Lead /Officer (known as key Adult) [Online Key Adult Training : Operation Encompass](#) prior to the start of the next school day after an incident of police attended domestic abuse where there are children related to either of the adult parties involved. (For support with Operation Encompass, please contact Nicky Truby (Business Support Officer, 01905 843314 / NTruby@worcschildrenfirst.org.uk).
- All information regarding Operation Encompass for Early Years can be found in the Welcome pack below:



Operation
Encompass Early Year

- Information is shared with a setting's Key Adult (Designated Safeguarding Lead or Officer) prior to the start of the next school day after officers have attended a domestic abuse incident. This sharing of information enables appropriate support to be given, dependent upon the needs and wishes of the child.
- MARAC (Multi Agency Risk Assessment Conference)
- A Marac is a regular local meeting to discuss how to help victims at high risk of murder or serious harm. A domestic abuse specialist (Idva), police, children's social services, health and other relevant agencies all sit around the same table. They talk about the victim, the family and perpetrator, and share information. The meeting is confidential.
- Worcestershire Children First Early Years team represent the Early Years children, where children are known to attend a setting, the team will liaise with the DSL and share certain information and gather the voice of the child to feed into MARAC.

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 wellbeing 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 \(opens in new window\)](#) 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.

[Early Help Assessments \(Opens in new window\)](#)

[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.

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.

[Early Help Assessments \(Opens in new window\)](#)

[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 Assessments \(Opens in new window\)](#)

Practitioners can request Targeted Family Support for families with children of any age, using the [request for early help family support form \(opens in new window\)](#).

[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.

Professionals are encouraged to use the [Early Help Assessment \(opens in a new window\)](#) to identify children who may need 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 \(opens in new window\)](#). This service is available to families with children over 5 years.

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** 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 \(opens in new window\)](#)

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 \(opens in new window\)](#), 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 the Worcestershire Children First referral to children's social care page \(opens in new window\)](#)

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.

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 in order 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 \(opens in new window\)](#).

Meanwhile:

- Continue to observe the child closely
- Maintain records with vigilance

- Offer support and refer to early help services if appropriate
- Consider an internal early help assessment
- 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 \(opens in new window\)](#).

Section 3.3: 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:

(Level 4)

- 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

[Early Help Pathway](#) (Opens in new window)

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 \(opens in new window\)](#).

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 2021). 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 GDPR in the [Information management Toolkit for Schools \(opens in new window\)](#) 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' (2023).

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.

In order 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 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.

Section 4: Building a safer workforce

Safer recruitment is a set of processes and procedures to ensure the workforce is suitable to work with children and young people. By adopting safer recruitment processes you are creating a strong safeguarding culture which can deter perpetrators from infiltrating your setting.

It is the registered provider's responsibility to ensure that people looking after (and coming into contact with) children in their setting are suitable to fulfil this role. Robust safer recruitment policies

and procedures are therefore vital to ensure we meet this statutory requirement and demonstrate our commitment to prioritise the safety and welfare of children. It is important to note that safer recruitment does not cease once a successful candidate is employed, it is a process which should be applied throughout the employees employment to ensure they continue to be suitable.

Planning the recruitment process

Having a written procedure outlining your recruitment process will support a consistent, structured approach ensuring you select the right person, adhere to employment legislation and minimise the risk of appointing someone unsuitable.

[How employers should recruit: Recruitment: hiring someone - Acas](#)

A clear recruitment statement published with the job advert will demonstrate your commitment to safeguarding children and young people from the very beginning and is a good document to publish on your website should you have one. When creating your job advert it is good practice to include a job description with reference to safeguarding responsibilities and a personal specification, this will help you during the selection process.

The recruitment process should offer you ample opportunity to assess the candidates suitability both in their ability to meet the job description but also to understand their character better and the reasons for them wanting to work in the early years sector. It is therefore important your application form reflects this and gives the candidate the opportunity to communicate and evidence how they meet the personal specification and requirements of the role. The application form will also allow you to see any gaps in their employment which can be discussed if they reach interview stage.

The NSPCC has some helpful advice in regard to this:

[Safer recruitment | NSPCC Learning](#)

Selection

To shortlist successfully you need to have a clear understanding of the skills and dispositions the role will require so you can assess each applicant dependent on how well they meet this criteria. Shortlisting should be completed by at least two people, it is recommended that at least one of these has completed safer recruitment training.

Interviews should be completed face to face where possible. Questions should be planned in advance to best explore the candidates attitude and motivations for applying for the role. A successful candidate should be able to demonstrate professional integrity and an understanding of their responsibility to safeguard children in addition to meeting the requirements of the role.

Further advice and training on safer recruitment is available from the Worcestershire children first early years team. Please see the contact list at the front of this guidance or go to the Worcestershire Children First Early Years Training website:

[Education Services Training and CPD | Worcestershire County Council](#)

Vetting

Disclosure and Barring Service

Anyone working in regulated activity with children and young people requires the registered provider to obtain an enhanced criminal records check, this is known as getting a disclosure and barring service (DBS) check.

Regulated activity is generally where a person regularly teaches, instructs, cares for or supervises children on a regular basis in a specified establishment, however there are some exceptions. Please see the following document for more information:

[Department for Education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

It is also good practice to join the disclosure and barring service update service which allows applicants to keep their DBS certificates up to date and allows employers to check the DBS certificate. To register for the update service it costs £13 per year.

The registered provider must tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children (whether received before or during their employment at the setting). The registered provider also has a duty to make a referral to the Disclosure and Barring Service 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.

In regards to childminders, Ofsted or the agency with which the childminder is registered is responsible for checking the suitability of childminders, of every other person looking after children for whom the childminding is being provided, and of every other person living or working on any domestic premises from which the childminding is being provided, including requiring enhanced criminal records checks and barred list checks.

Up-to-date information on criminal checks can be found on the [Disclosure and Barring Service website \(opens in new window\)](#).

Checking Identity

It is important to verify a candidates identity, so you are certain they are who they say they are. This includes being aware of the potential for individuals changing their name. Please see further details below:

[How to prove and verify someone's identity - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

References

You must apply for references directly and not accept open references e.g. those titled, to whom it may concern. Any references sought need to be completed by a senior person with appropriate

authority, this should be confirmed via a follow up telephone conversation which will also give you the opportunity to clarify any content.

It is important to compare the information on the application form with that in the reference and take up any discrepancies with the candidate. Establishing the reason for the candidate leaving their current or most recent post can ensure any concerns are resolved satisfactorily before appointment is confirmed.

Right to Work in the UK

It is a requirement to verify a person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, you should follow the following advice:

[Employer's guide to right to work checks: 28 February 2023 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

A candidate who has worked or lived overseas still requires an enhanced criminal records check (DBS). Please note not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. You should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found:

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](#)

Verifying Qualifications

All qualifications need to be verified so you ensure you are meeting the ratio requirements of the Early years foundation stage. Qualifications can be checked by following the link below:

[Check early years qualifications - GOV.UK \(www.gov.uk\)](#)

The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS).

[Teaching Regulation Agency - GOV.UK \(www.gov.uk\)](#)

Documentation

Providers other than childminders must record information about staff qualifications and the identity checks and vetting processes that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it). For childminders, the relevant information will be kept by Ofsted or the agency with which the childminder is registered.



Safer recruitment
record sheet.docx

Supporting staff

It is the employer's (registered person/body) responsibility to create a culture and ethos within the setting that demonstrates commitment to keeping children safe and it is recommended that a written vision statement reflecting the role and responsibility of the childcare provider in child protection and safeguarding is communicated to all staff and parents/carers.

Settings should also have and implement safeguarding policies and procedures. These must be in line with the guidance of the Worcestershire Safeguarding Children's Partnership (WSCP) and should be regularly reviewed. All staff should be familiar with these so that they understand what to do if they are worried about a child and the policies and procedures should include the use of mobile phones and other technology, and what to do if there is an allegation against a member of staff.

Induction, training and continued supervision

Childminders must complete appropriate training prior to registration with Ofsted (or a childminder agency). The local authority commissions appropriate training, which includes an introduction to safeguarding. Details can be found on the Worcestershire Children First Early Years training website.

Providers must ensure that all staff receive induction training, and this should include:

- an understanding of the settings safeguarding policies and procedure
- behaviour management
- how and when mobile phones and technology can be used in the setting
- how to define and identify possible signs of harm, abuse and neglect
- what to do if concerns arise
- what to do if concerned about the behaviour or conduct of another adult
- who is the designated safeguarding lead in the setting

It is recommended that staff are given a copy of the setting's policies and procedures and that they sign to say they have read and understood them. Volunteers and students should also have a suitable induction.

All settings should have arrangements in place for supervision. The purpose of this is to foster a culture of mutual support and continuous improvement by providing support, coaching and training for staff, and encouraging confidential discussion of sensitive issues. Settings might also choose to conduct an annual review, which might be useful in reviewing targets and achievements but which does not replace the need for regular supervision, as this is more effective in supporting continuous improvement, the raising of concerns and the timely resolution of any issues.

Providers must train all staff to understand their safeguarding policy and procedures (including action to be taken in the event of an allegation and the use of mobile phones and technology in the setting) and ensure staff are able to identify signs of possible abuse and neglect and respond appropriately (EYFS 2021). Worcestershire Children First work in partnership with the WSCP to develop a training strategy and arrange a programme of training suitable for staff working at all levels. See section 5 of this guidance for information about safeguarding training.

Disqualification

Providers must inform staff that they need to disclose any convictions, cautions, court orders or reprimands and warnings which might affect their suitability to work with children, whether these occur prior to, or during, their employment at the setting. In childminding settings and settings registered on domestic premises they should also be asked to inform their employer if they live in the same household as anyone else who might be disqualified. It is the responsibility of the staff member to disclose this information, but providers should be able to evidence that this is a clearly understood expectation, for example by regularly including the conversation in supervision meetings and notes.

It should be noted that someone (in a setting on domestic premises) living in the same household as a disqualified person, will not necessarily be disqualified themselves, but they must obtain a waiver from Ofsted and it is advisable to suspend the member of staff until this is obtained.

For more information, please see section 1 of this guidance, or telephone the Worcestershire Children First early years team on 01905 844048

Whistleblowing

It is advisable, to have a whistleblowing policy/procedure in place which explains to staff what they should do, without fear of repercussion, if they have concerns about the conduct of a colleague. Please see [government guidance on whistleblowing \(opens in new window\)](#)

A 'whistleblowing' policy/procedure does not replace the need to have clear procedures describing action to be taken if an allegation is made against any person living, working or looking after children at the premises.

Exit interviews can be used to review current procedures: whether to re-appoint, review the staff structure and make changes. It also provides the opportunity to review the job description and person specification and make any necessary adjustments.

Providers must inform Ofsted (or their childminding agency) of any event which is likely to affect the suitability of someone working in the setting.

Managing complaints and Allegations

A **general complaint** may involve concerns about general provision or, for example, apparent overcharging. Occasionally a general complaint may contain implications for a child's safety or well-being, and if so, will usually relate to a perceived breach of the statutory requirements of the Early Years Foundation Stage (EYFS 2021).

Managing complaints – EYFS requirements

Providers must make available to parents and/or carers details about how to contact Ofsted if they believe the provider is not meeting the EYFS requirements.

The provider must follow the 'Complaints' section of the EYFS Safeguarding and Welfare Requirements which require providers to have a procedure for dealing with concerns and complaints and maintain a written record of all complaints, together with the outcomes of the complaints. Group settings must have a written policy. However, childminders who are solely on the Early Years Register need not have their policy in writing but must still keep written records of complaints.

All providers must investigate written complaints relating to their fulfilment of the EYFS and notify complainants of the outcome of the investigation within 28 days of having received the complaint.

All information relating to complaints and allegations should be handled in confidence, kept in a locked secure location and only made available to those who have a right or professional need to see them. The record of complaints must be made available to Ofsted or a relevant childminder agency on request.

If providers become aware that they are to be inspected, they must notify parents and/or carers. After an inspection or an agency quality assurance visit, providers must supply a copy of the report to parents and/or carers of children attending on a regular basis

Allegations against a member of staff

A complaint is an allegation of abuse if it indicates that someone:

- Has/may have acted in a way that has harmed a child
- Acted in a way which has put a child at risk
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he/she is unsuitable to work with children

Managing allegations

If a complaint includes an allegation of abuse, whether made verbally or in writing, care should be taken to ensure that no-one can be identified from the record of complaints. The incident should be simply noted in the record of complaints, the Designated Safeguarding Lead (DSL) informed, and the setting's own procedure for managing allegations of abuse must be followed.

Allegations must be managed as such and require investigation from the appropriate body in the interest of safeguarding children. **Staff must never investigate an allegation of abuse or discuss with the person involved, but must always follow the advice of the children's social care or other statutory body**

The EYFS (2021) requires a practitioner to be designated to take the lead responsibility for safeguarding, however, when the concern involves the behaviour of someone living or working on the premises, this becomes the responsibility of the provider. Procedures for safeguarding children must include an explanation of the action to be taken in the event of an allegation being made against a member of staff and registered providers must inform Ofsted (or any relevant 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). The allegation may come from a parent/carer, a member of staff, a child or from an outside agency and 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 the Local Authority Designated Officer (LADO) are informed
- The allegation should be recorded confidentially and stored securely.
- If the allegation is against the DSL or the manager, it will be necessary to report the concern to the person's superior. If this is not possible staff should inform the LADO directly
- If the allegation is against the Registered Person, the DSL should inform the LADO immediately and notify Ofsted (or any relevant childminder agency)
- Childminders and their assistants might receive an allegation against themselves but should still ensure that the correct reporting procedure is followed, and the LADO and the childminder's registering body is made aware
- A note should be made of any actions advised by the LADO 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 the LADO, and that Ofsted is notified as soon as possible and within 14 days
- The provider should conduct a risk assessment and review their policy 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 and may be required to complete a referral form

The LADO in Worcestershire is a shared role and the team are contactable on 01905 846221. They are located at the family front door, so in many cases the best course of action would be to make a referral to them through the portal [LADO Concern \(worcestershirechildrenfirst.org.uk\)](http://worcestershirechildrenfirst.org.uk)

If the allegation meets the threshold criteria for an independent investigation, then the LADO will convene a position of trust meeting. The position of trust meeting would determine whether:

- Enquiries 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 may be invited to a LADO Position of Trust meeting:

- The registered provider
- Ofsted (or childminder agency)
- Children's Social Care
- The Police
- When N.B. If an allegation is made directly to the police or the Family Front Door the Registered Person may be unaware of the allegation until informed of the Position of Trust meeting.

Possible outcomes of a position of trust meeting/discussion:

- No further multi-agency involvement
- Police investigation
- Social care assessment
- Further investigation from Ofsted or the relevant childminder agency
- Compliance action from Ofsted
- Referral to the [Disclosure and Barring Service \(opens in new window\)](#)

If an allegation is made against a registered person Ofsted may suspend 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.

If no further action is recommended the setting may still proceed with disciplinary procedures. If there are concerns about the suitability of the member of staff to continue to work with children, there is a statutory duty to refer to the Disclosure and Barring Service (DBS)

In all cases where an allegation against a member of staff is made the setting should review all policies and procedures and address identified training/supervision needs. (Sample safeguarding policies and procedures can be found in section 6).

Records of allegations should be retained until the alleged perpetrator reaches normal retirement age, or for 10 years, whichever is the longer.

It is strongly recommended that registered providers attend training on managing allegations. For more information, please see section 5 of this guidance.

Advice on employment legislation and disciplinary and dismissal processes, can be obtained from [ACAS \(opens in new window\)](#).

Section 5: Safeguarding training

The Statutory Framework for the Early Years Foundation Stage (EYFS 2021) states that 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. 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.

[WCF Safeguarding Training \(Opens in new window\)](#)

Childminders need to access appropriate training and support to help develop their safeguarding policies and procedures

- Staff, leaders, providers and volunteers receive appropriate training on safeguarding at induction, and this is updated regularly.
- In addition to training, they receive information on safeguarding and child protection at least annually.

- The DSL has been trained to the appropriate level and understands their responsibilities relating to the protection of children and the safeguarding of all learners. It is recommended that the training is refreshed every two years.
- Deputy DSL's are also appropriately trained.
- Clear whistleblowing procedures are included in training.

Worcestershire Children First (WCF) offers safeguarding support in early years and childcare settings, We recognise that providers need to ensure that they provide safeguarding training which meets the requirements of the EYFS (and/or the childcare register), local policy and Ofsted expectations, as well as ensuring that it enables all those in the setting to carry out their role effectively, and training has therefore been developed to meet all of those requirements while at the same time eliminating the need to attend several courses.

Early Years and Childminding Safeguarding Training Pathway

Course title and duration	Course overview, aims and objectives	Frequency	Mandatory or Recommended
<p>Introduction to the Role of Early Years Designated Safeguarding Lead</p> <p>Duration: three hours</p>	<ul style="list-style-type: none"> • A specific course for NEW Early Years Designated Safeguarding Leads (DSL) and Deputy DSLs to support them in their understand of the role and responsibilities. • Delegates on completion of this 3-hour course would be expected to progress onto the six-hour Early Years Designated Safeguarding Lead (DSL) training course 	WCF training to be completed once	Mandatory
<p>Early Years Designated Safeguarding Lead training.</p> <p>Duration: six hours</p>	<ul style="list-style-type: none"> • For Designated Safeguarding Lead (DSL), Deputy DSL or those who are looking to become a DSL / Deputy DSL in early years and childcare settings across Worcestershire. • The training has been devised to support DSLs/Childminders who are either new to the role, experienced or extremely experienced. • Content is updated regularly and includes a detailed look at signs and symptoms, legislation, guidance and responsibilities, record keeping, making referrals, multi-agency working, child protection meetings, serious case reviews, and exploring barriers to good practice. 	<p>WCF training recommend this to be refreshed every year</p> <p>Statutory guidance recommends every two years</p>	Mandatory

Course title and duration	Course overview, aims and objectives	Frequency	Mandatory or Recommended
	<ul style="list-style-type: none"> The training meets the Worcestershire Safeguarding Children’s Partnership requirements for Designated Safeguarding Lead training, includes the role of the DSL and additional content relating to the EYFS and inspection. To support the Early Years sector there are three variations of the same course – childminders, settings and a mixed cohort – the material will be the same this will allow questions <p>Course dates and times can be found on CPD (opens in new window)</p>		
<p>Domestic Abuse DSL training</p> <p>3 Modules Each module runs from 9.30am – 4.00pm</p> <p>Virtual training via Zoom</p>	<p>The provider of this training is Sarah Wigley Associates who have experience of designing and delivering training both nationally, within local authorities and to a range of agencies.</p> <p>There are three modules of training, and the learning outcomes can be provided upon request. This training is free.</p> <p>Module 1: Understanding and Responding to Domestic Abuse:</p> <p>Time of module courses: 9:30am to 4:00pm</p> <p>Module 2: Working with Domestic Abuse within the context of Multi Agency Working – promoting critically reflective practice:</p> <p>Module 3: Understanding and Working with Perpetrators:</p> <p>Time of module courses: 9:30am to 4:00pm</p>	N/A	N/A

Course title and duration	Course overview, aims and objectives	Frequency	Mandatory or Recommended
	<p>To apply for a place please email: bookings@sarahwigleyassociates.co.uk</p> <p>Course dates and times can be found on Early Help Training & Events (opens in new window)</p>		
<p>GET SAFE</p> <p>Duration: two hours</p> <p>All DSL/DDSL must access this course, which replaces the CSE WCF training delivered by West Mercia Police</p>	<ul style="list-style-type: none"> • Safeguarding Children, young people and vulnerable adults is everybody's responsibility • Raising awareness of Exploitation & Vulnerability • Raising your awareness of vulnerability, adverse childhood experiences, organised crime groups/gangs, modern day slavery • Consent for sexual activity • Child sexual exploitation, criminal exploitation • National Referral Mechanism • GDPR/Disclosure and Pathways/ Diversionary/sharing of intelligence • DSL to be equipped to deliver to other early years/child minding staff <p>Book via WCC Learning & Development site - External Agencies (opens in new window)</p>	<p>Every two years</p>	<p>Recommended</p>
<p>PREVENT</p> <p>Duration: two hours</p>	<p>The learning outcomes are that DSLs will have a greater understanding of both the PREVENT strategy and recognizing the early identification of children and young children who are at risk of being radicalised. Prevent is part of the UK Counter-Terrorism Strategy 'CONTEST', aimed at preventing people being involved in or supporting terrorism.</p> <p>Aims and Objectives:</p> <ul style="list-style-type: none"> • To understand the aims of Prevent • Consider who might be vulnerable • See why some people can influence and manipulate others to commit crimes • Recognise when a vulnerable individual may need help • To be clear about what support is available and who you should contact if you have a concern 	<p>Every three years</p>	<p>Recommended</p>

Course title and duration	Course overview, aims and objectives	Frequency	Mandatory or Recommended
	<p>A certificate of attendance will be provided after the training session has taken place.</p> <p>Access training via the Prevent e-learning web page</p>		
<p>Female Genital Mutilation</p> <p>Duration: two hours</p>	<p>Home office online learning for Female Genital Mutilation (FGM)</p> <p>FGM is a procedure where the female genitals are deliberately cut, injured or changed, but there's no medical reason for this to be done. It's also known as female circumcision or cutting, and by other terms, such as sunna, gudniin, halalays, tahur, megrez and khitan, among others.</p> <p>More information is available on the Home Office website</p>	<p>Every three years</p>	<p>Recommended</p>
<p>DSL/DDSL WCF network meetings/ updating knowledge</p>	<p>Attend at least one termly DSL/Childminder network meeting led by Education Safeguarding Adviser Denise Hannibal</p> <p>Attend the Early Years Safeguarding Conference (date, time and theme will vary per conference)</p> <p>Course dates and times can be found on CPD (opens in new window)</p>	<p>Termly for Early years settings, Childminders and DSL/DDSL</p>	<p>Recommended supports continuous Professional development</p>

If you employ staff or assistants, then they would be expected to undertake the Safeguarding for Early Years and Childcare Practitioners course every three years. Details of course dates and times can be found on [CPD \(opens in new window\)](#).

If you require any further Safeguarding advice or guidance, please contact the Early Years and Childcare team by emailing: eycc@worcschildrenfirst.org.uk or call 01905 844 048

SECTION 6 - MODEL POLICY AND PROCEDURES

The following are templates for safeguarding and child protection policies and procedures. These are intended to be model documents which providers may wish to use to support the development of the setting's policy and procedure, rather than fully comprehensive and prescribed documents. There may be sections that the setting needs to change in order to ensure that they fully reflect their own practice.

Some settings may also want to have separate policies for such things as whistle-blowing and information sharing, and if this is the case, we suggest simply making reference to the separate document in the safeguarding policy.

Model policies

[Group settings Sample Safeguarding & Child protection policy June 2023.docx](#)

[Childminder Sample Safeguarding & Child protection Policy June 2023.docx](#)

[Early Years Safeguarding Policy Appendix- Operation Encomapss.docx](#)

SECTION 7 - TEMPLATES

List of templates –

[ALLEGATION OF ABUSE RECORD \(WORD\)](#)

[COMPLAINT RECORD \(WORD\)](#)

[CONVICTION DETERMINATION AND CAUTION DECLARATION FORM \(WORD\)](#)

[INDIVIDUAL FILE CHRONOLOGY \(WORD\)](#)

[INDIVIDUAL FILE FRONT SHEET \(WORD\)](#)

[HEALTH DECLARATION FORM \(WORD\)](#)

[SAFEGUARDING LEAD SUPERVISION NOTES \(WORD\)](#)

[SAFEGUARDING TRAINING RECORD \(WORD\)](#)

[SAFEGUARDING TRAINING RECORD \(EXCEL\)](#)

[SAFER RECRUITMENT RECORD SHEET \(WORD\)](#)

[SAFER RECRUITMENT RECORD SHEET \(EXCEL\)](#)

[SAFETY AND WELFARE CONCERN FORM \(WORD\)](#)

[SAFETY AND WELFARE CONCERN FORM ALTERNATIVE FORMAT \(WORD\)](#)

[SAFETY AND WELFARE CONCERN FORM CONTINUATION SHEET \(WORD\)](#)

[TRANSFER FORM FOR ALL CHILD PROTECTION RECORDS BETWEEN ESTABLISHMENTS \(WORD\)](#)

Please note that childminders who are registered with an agency may need to substitute the name of the agency where there is reference to Ofsted.

Section 8: Further information

- [Multi-agency statutory guidance on female genital mutilation \(opens in new window\)](#)
- [Prevent duty guidance \(opens in new window\)](#)
- [NSPCC \(opens in new window\)](#)
- [CEOP \(opens in new window\)](#)
- [Forced marriage guidance \(opens in new window\)](#)
- [Guidance for safer working practice for those working with children and young people in education settings \(opens in new window\)](#)
- [Internetmatters.org \(opens in new window\)](#)
- [Worcestershire domestic abuse strategy \(opens in new window\)](#)
- [Signs of safety \(opens in new window\)](#)

Safeguarding and Child Protection Guidance for Private, Voluntary and Independent Early Years and Childcare Providers: Revised August 2023

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