



RSC Nursery

Child Protection and Safeguarding

Policy & Procedures

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RSC Nursery Child Protection and Safeguarding Policy

Creating a safe environment for children within the nursery

The RSC Nursery aims to create an environment in which children's well-being is promoted and where they are safe from all forms of harm. We want children in the nursery to be safe, feel safe and trust that we will do whatever we can to prevent them from being harmed.

We are committed to working in a child-centred way where the children we work with are valued and respected as individuals, and their views and concerns are listened to. We believe that children need to feel safe and valued in order to enjoy, achieve and make good progress within the nursery. All staff and students within the nursery will:

- treat children with respect
- offer encouragement and praise
- take time to listen to children
- take concerns about their welfare seriously

The RSC upholds the principle that the child's welfare is paramount and that all children whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse. The word 'child' or 'children and young people' is used to refer to anyone under the age of 18, as defined by the Children Act 1989. Safeguarding and promoting children and young people's welfare is defined as¹:

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, and taking action to enable all children to have the best outcomes
Child protection is the activity undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

The RSC Nursery Child Protection and Safeguarding policy and procedures relates to the RSC Core Safeguarding Children policy and procedures however, due to the high level of contact that the nursery has with young children, this policy and procedures is specifically tailored to the needs of the nursery and meeting the Early Years Foundation Stage (EYFS) Statutory requirements. The policy and procedures apply to all children within the nursery including those attending for short periods or one-off occasions.

In order to implement the policy, we are committed to:

- recruiting staff safely, ensuring all necessary steps are taken and checks are made, in line with guidance from the Safer Recruitment Consortium and RSC recruitment and vetting procedures
- training and supervising all staff and students to adopt best practice to safeguard and protect children against abuse, and themselves against allegations being made against them
- providing a code of conduct for all staff and students
- ensure staff are made aware of the safeguarding policy at induction
- ensuring that parents/carers are aware of our safeguarding children policy
- ensuring all RSC Nursery activities are planned and organised with safety as a priority
- storing children's contact information, images, records and correspondence securely
- taking all suspicions and/or allegations of abuse or risk to children seriously, and responding to these swiftly and appropriately through the provision of child safeguarding procedures

¹ HM Government (July 2018) Working Together to Safeguard Children

- working with Warwickshire Safeguarding partners sharing information about concerns with those relevant agencies which have a legal duty to act, and involving parents/carers and children where appropriate and safe to do so
- providing support to staff and students and, if and where appropriate, to children when concerns are identified and/or allegations are disclosed
- ensuring that the layout of the nursery, flexibility in routine and staff movement mean no one is left in a vulnerable situation
- signposting parents/carers to other agencies who can support them if required with the proviso that the concern is not one that requires a child protection referral.

Other relevant policies

In addition to this policy and procedure there are other relevant RSC corporate and nursery policies and procedures that have aspects which relate to safeguarding and promoting the welfare of children. They are:

RSC Safeguarding Policy and Procedures RSC Recruitment and Selection Policy RSC Disciplinary and Grievance Policy Event Planning and Safeguarding Children at Workshops and Public Events Guidance Social Media Guidelines and Policy – August 2017 RSC Code of Conduct RSC Speaking Up Policy RSC First Aid Arrangements (found in the Health and Safety Policy) RSC Work Placements and Work Experience Arrangement (found in the Health and Safety Policy)	RSC Nursery Supporting Behaviours and Feelings Policy RSC Nursery Complaints procedure RSC Nursery Risk assessments RSC Nursery Student Placement Policy RSC Nursery Missing Children/ Failure to Collect Procedure RSC Nursery Special Educational Needs, Disability & Inclusion (SEND) Policy
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Breaches of the safeguarding policy and procedure will be taken seriously and may require disciplinary procedures to be applied and/or a referral to the police or children’s social care.

Review process

The policy and procedures were adopted in July 2010.

It is to be reviewed on an annual basis unless there is a change in legislation or guidance or an incident that warrants them being reviewed sooner.

The Head of Nursery is responsible for the review in conjunction with the RSC senior safeguarding adviser.

Version Control

Approval date	Next review date	Responsible person	Author
June 2010	June 2012	Head of Nursery	NSPCC
January 2012	January 2015	Head of Nursery	RSC
January 2015	Feb 2017	Head of Nursery	RSC
March 2018	March 2019	Head of Nursery	RSC
March 2019	October 2019	Head of Nursery	RSC
December 2019	December 2020	Head of Nursery	RSC

1.0 RSC Nursery safeguarding arrangements and procedures

1.1 Roles and responsibilities for safeguarding within RSC

Although all staff, volunteers and contractors have a responsibility for safeguarding, there are a number of specific roles within the RSC which exist to support, advise and refer any concerns to the authorities should this be necessary.

1.2 The role of the Senior Safeguarding Adviser (Director of HR)

The senior safeguarding adviser will:

- promote the importance of safeguarding across the organisation
- manage complaints about poor practice of either staff or volunteers
- manage allegations or concerns about abuse against RSC staff
- make decisions about appointing someone who has a criminal record in conjunction with the appropriate senior manager
- ensure that the RSC meets the requirements of its insurers regarding its safeguarding responsibilities
- refer issues of safeguarding to the Safeguarding Committee for consideration
- evaluate the effectiveness of safeguarding within the organisation
- collect monitoring data on all safeguarding concerns raised, their management and outcome in order to check compliance and note any lessons learnt
- review the core safeguarding policy and procedures on an annual basis and update it every two years

1.3 The role of the Designated Safeguarding Lead (DSL)

The Designated Safeguarding Lead (DSL) will:

- have the status and authority within the nursery to carry out the duties of the post, including committing resources and supporting and directing other staff.
- take lead responsibility for safeguarding and child protection in the nursery. This role and responsibility is explicit in the role holder's job description
- Is appropriately trained, receives refresher training at two yearly intervals and regular (at least annually) updates their knowledge and skills to keep up with any development relevant to their role
- attends Safer Recruitment training and leads on recruitment for the nursery
- be aware of the Statutory Guidance of Disqualification² under the Childcare Act 2006 and ensure that anyone who falls within the scope of the guidance is made aware of the legislation
- act as the first point of contact for staff, students and parents concerned about the safety and welfare of a child
- be responsible for contacting children's social care in cases where a child is at risk of harm and act as the first point of contact with the three safeguarding partners;
- ensures that all staff feel able to raise concerns about poor or unsafe practice and that such concerns are handled sensitively and in accordance with the RSC Speaking Up Policy and procedures
- review the RSC Nursery safeguarding Children policy and procedures in line with changes to statutory guidance and update annually
- ensure that all staff sign to indicate that they have read and understood all relevant child protection and safeguarding policies
- ensure that nursery staff receive adequate training and keep a record of staff attendance at child protection training.
- support staff and students if they have shared their concerns about a child
- communicate to staff and students any changes in policy and procedures

²www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006

- keep accurate records of concerns about children and actions taken
- liaise with appropriate local agencies including the local safeguarding partnership for support and advice and keep a list of local contacts
- refer cases to the channel programme where there is a radicalisation concern
- ensure parents and carers are aware of the nursery's safeguarding children policy and procedures and that referrals about suspected abuse and neglect may be made
- makes the child protection and safeguarding policy available publicly
- encourages a culture of listening to children and taking account of their wishes and feelings
- is alert to the specific needs of children in need, those with special educational needs, looked after children and young carers
- has an understanding of the Early Help process to ensure effective assessment and understanding of children's additional needs in order to inform appropriate provision of early help and intervention
- notifies Children's Social Care if a child with a child protection plan is absent for more than two days without explanation
- ensures that, when a child leaves the nursery, all child protection records are passed to a new nursery or when starting school (separately from the main pupil file and ensuring secure transit) and confirmation of receipt is obtained. If the child is the subject of an open case to Children's Social Care, the child's social worker is also informed
- attends and/or contributes to child protection conferences, strategy meetings and multi-agency sexual exploitation (MASE) meeting
- co-ordinates the nursery's contribution to child protection plans as part of core groups, attending and actively participating in core group meetings
- has a working knowledge of relevant national guidance in respect of all specific safeguarding issues highlighted in paragraph 43 (pages 12/13) and Annex A of Keeping Children Safe in Education (KCSiE) 2019, ensuring that all staff receive necessary training, information and guidance
- raises awareness about safeguarding with families and children around how to keep themselves safe at all times, including when online, as part of a broad and balanced curriculum.
- maintain a Single Central Record that fully complies with the guidance in KCSiE 2019.
- be a member of the RSC Safeguarding Children Committee as safeguarding advisor liaising with senior safeguarding adviser at the RSC as appropriate raising awareness of Working Together to Safeguard Children 2018 and attend quarterly meetings.

1.4 The Deputy Designated Safeguarding Leads (DSL's)

Are appropriately trained to the same level as the DSL and, in the absence of the DSL, carries out those functions necessary to ensure the ongoing safety and protection of children. In the event of the long-term absence of the DSL, the deputy will assume all of the functions above. This role and responsibility is explicit in the role holders job description.

1.5 RSC Safeguarding Adviser structure

There are five designated safeguarding advisers each representing senior directors' departments and reporting to the senior safeguarding adviser. Each safeguarding adviser will also provide cover for each other. The safeguarding adviser is responsible for offering advice and ensuring that appropriate action is taken. They are also responsible for ensuring that the senior safeguarding adviser is kept informed of all child protection concerns.

See *Appendix 1* for contact details of all RSC safeguarding advisers and relevant external agencies.

2.0 Safer recruitment and supporting staff

The RSC Nursery endeavours to ensure that we do our utmost to employ safe staff and allow safe volunteers and students to work with children by following the guidance in KCSiE 2019 (referenced below) together with Warwickshire Safeguarding and RSC's recruitment and selection policy

The statutory guidance document Keeping Children Safe in Education (KCSiE)³ highlights the importance of safer recruitment in safeguarding arrangements for children and young people in all care and education establishments.

Safer recruitment means that all applicants will:

- complete an application form which includes their employment history and explains any gaps in that history
- provide two referees, including at least one who can comment on the applicant's suitability to work with children
- provide evidence of identity and qualifications
- interviews will be conducted by at least two members of RSC staff and at least one member of each recruitment panel will have attended safer recruitment training. A second extended interview for short listed candidates will take place including observation of working practices and interaction with the nursery team
- Undergo a probationary period of 20 weeks under the supervision of senior practitioners and 5 weekly reviews.
- if offered employment, be checked in accordance with the Disclosure and Barring Service (DBS) regulations as appropriate to their role. This will include an enhanced DBS check and a barred list check for those engaged in Regulated Activity
- if offered employment, provide evidence of their right to work in the UK

Most people who apply to work for the RSC will have the best motives for doing so. However, a small number of individuals who want to abuse children do sometimes target certain organisations as a way of gaining access to them. Others, although they do not deliberately set out to harm children, may hold unsuitable attitudes or behave in a way that harms children. Our recruitment processes have been designed to deter these people from applying and will also help to identify unsuitable people that might apply.

The Head of Nursery and H/R Business Partner will

- ensure that every job description and person specification for roles in the nursery includes a description of the role holder's responsibility for safeguarding
- ask at least one question at interview for every role in the nursery about the candidate's attitude to safeguarding and motivation for working with children
- verify the preferred candidate's mental and physical fitness to carry out their work responsibilities
- obtain references for all probationary staff and contracts offered after references have been verified, including internal candidates
- carry out additional or alternative checks for applicants who have lived or worked outside the UK
- ensure that at least one member of each recruitment panel will have attended safer recruitment training
- ensure that all volunteers and students are interviewed, vetted and supervised.

2.1 Training

The RSC recognises the importance that all nursery staff have training to enable them to recognise the possible signs of abuse, neglect, exploitation and radicalisation and to know what to do if they have a concern.

During the probationary period the following will be explained **before** a new member of staff

³ HM Government (September 2019) Keeping Children Safe in Education
<https://www.gov.uk/government/publications/keeping-children-safe-in-education>

is offered a permanent contract in the nursery.

The individual will be given an opportunity to clarify any issues during this period and then asked to sign to confirm that they have read and understood both policies and undertake to comply with them.

- RSC Safeguarding Children Policy and Procedure
- RSC Nursery Child protection and Safeguarding Children Policy
- Keeping Children Safe in Education Part 1 and Annex A

All RSC Nursery staff will receive appropriate and regularly updated safeguarding and child protection training and thematic updates as required (at least annually) during staff meetings and regular discussions, to provide them with the requisite skills and knowledge to safeguard children effectively in line with statutory guidance and any requirements of Warwickshire Safeguarding

The DSL and Deputy DSLs will attend training for newly appointed DSLs and refresher training every two years delivered by Warwickshire County Council's Education Safeguarding Service. That training will include up to date information about Warwickshire Safeguarding inter-agency procedures. In addition, the DSLs will update their knowledge and skills at least annually to keep up with any developments relevant to their role and will access Warwickshire Safeguarding inter-agency training as part of their continuing professional development.

All staff will be made aware of the increased risk of abuse to certain groups, including children with special educational needs and disabilities, looked after children, young carers and risks associated with specific safeguarding issues including child sexual exploitation, extremism, female genital mutilation and forced marriage. In addition, the Head of Nursery and at least one member of the RSC H/R Department will attend safer recruitment training which will be updated as required every two years

3.0 The Safeguarding Code of Conduct

This code has been developed to provide staff and students with advice that will help to protect children and it will also help you and your colleagues identify any practices that could be mistakenly interpreted and perhaps lead to false allegations of abuse being made against you. Good practice will also protect RSC by reducing the possibility of anyone using their role within the organisation to gain access to children in order to abuse them. This is because all members of staff and students will be expected to report any breaches of this code by any other staff member or student.

If in doubt, you should always consider how an action or activity might be *perceived* as opposed to how it is *intended*.

The code of conduct should guide all actions taken by RSC nursery staff, students and volunteers. If it is necessary to act contrary to it (for example babysitting for children who attend the nursery) you should only do so after discussion, and with the documented approval of, Head of Nursery or in the absence of, deputised DSL. Staff and students who breach this code of conduct outside of these specific circumstances will be subject to RSC disciplinary procedures.

3.1 Code of Conduct

All staff, volunteers and students should:

- work with children in an open and transparent way
- listen to and respect children at all times, regardless of their age, gender, ethnicity, religion, beliefs, disability or sexual orientation
- actively involve children in planning activities and decision making wherever possible

- ensure allegations by a child are reported and recorded, including any made against you
- avoid unobserved situations of one to one contact with a child, if it is unavoidable, always ensure another adult knows where you are, with whom and why
- follow the procedures for reporting on safeguarding concerns or allegations.
- Never agree to keep any information relating to the harm of a child confidential
- ensure that their relationships with children are appropriate to the age and gender of the child and take care that your language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought
- ensure that if you need to comfort a child who has become distressed, it is important that you do so in a way that is both age appropriate and respectful of their personal space. Never act in a way which may be perceived as threatening or intrusive, ask children before you act
- avoid favouritism, singling out 'troublemakers' and gossiping about children or their families
- ensure that dangerous or otherwise unacceptable behaviour by a child is managed appropriately and that a record is made of it.
- be aware that children can and do develop both heterosexual and homosexual infatuations towards adults working with them. If you become aware of this happening towards yourself, you should inform your manager and then respond to the situation in a way that maintains the dignity of all concerned
- ensure that if any kind of physical contact is required during any activities, it is provided only when necessary in relation to the activity (see Appendix 3 of Core RSC Safeguarding Policy – guidance on physical contact for more information)
- ensure that the focus of your relationship with a child you have met through work should always remain on the work. The aim should never be, or become, to develop the relationship into a long-term friendship.
- never invite, or allow, a child you have met through work into your home or make contact with outside of work. The exception for this would be with full written disclosure of babysitting arrangements outside of work hours for a family you have met through work to the Head of Nursery, or in her absence the Deputy.
- set a good example by conducting yourself appropriately at all times
- being alert to changes in children's behaviour and to signs of abuse and neglect and exploitation, recognising that challenging behaviour may be an indicator of abuse
- reading and understanding the RSC's Core Safeguarding Children's Policy, RSC Nursery's Safeguarding children's policy, RSC Staff code of conduct and guidance documents on wider safeguarding issues, for example bullying, behaviour, physical contact, sexual exploitation, extremism, e-safety and information-sharing
- be aware of their duty to make disclosure of disqualification under the Children Act 2006
- be aware that 'upskirting' is a criminal offence. The definition of 'upskirting' is "taking a picture under a person's clothing without them knowing, with the intention of viewing genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm" (DfE, 2019a)

Staff, volunteers and students should not:

- discriminate or be prejudicial
- ask children to keep secrets
- trivialise child abuse or its effects
- consume alcohol or take drugs whilst on duty, including any breaks or when in contact with children and young people (for further details see Alcohol and drugs at work policy)
- smoke with or in front of children and young people
- steal, or condone someone else's stealing, regardless of the value of an item stolen

- make sexually suggestive remarks or discriminatory comments to or in front of any child or discuss staff's own sexual relationships in front of children. Conversation should, when on the nursery floor, be work related and child centred
- offer to transport a child alone in your car
- engage in or allow any sexually provocative games involving or observed by children, whether based on talking or touching
- engage in or tolerate any inappropriate physical activity or sexual violence involving children, or any bullying of a child by an adult or another child
- use sarcasm, demeaning or insensitive comments to a child
- use any physical punishment as part of disciplining children.
- shouting at children should also be avoided or used very seldom and only if other alternative forms of discipline have failed
- have contact with nursery families by phone, letter, email, social media unless it is for RSC work purposes. An exception to this would be existing friendships or babysitting which should be disclosed to the Head of Nursery.
- Allow any physical contact (i.e. touching, hugging, lifting, changing of nappies, application of sunscreens, administration of medication, etc) by persons not vetted and authorised by the Company to work directly with children.
- Photograph or video children for which no prior authorisation from the parent and the child has been obtained.

Make, view, share or circulate abusive images of children (sometimes referred to as 'child pornography') **3.2 Code of conduct - additional points for RSC Nursery staff and students**

It is particularly important that all staff adopt safe working practices within the nursery given the age and vulnerability of the children being looked after. Therefore, there are additions to the code of behaviour that apply to all staff and students in the nursery:

- the use of personal mobile phones and/or personal cameras and /or other devices such as tablets, smart watches or laptops is not allowed whilst working in the nursery. There may be exception to this by agreement with Head of Nursery for specific topic related sharing of knowledge i.e. playing music for celebrations or showing footage of celebrations from around the world
- All electronic devices brought into the nursery by staff, students must be signed into the office. They can be used in the staff room during breaks but must be signed in and out on each occasion. Breaches of this procedure will be taken seriously and may require disciplinary procedures
- a member of staff who is changing a child's clothes, accompanying a child to the toilet or leaving the main room will alert a colleague discretely about where they are going and what they are doing
- the use of any audio and/or visual material (CDs, DVDs, videos, computer or PlayStation games etc.) that has inappropriate content for the age and maturity of the child is prohibited
- students will not have unrestricted access to children and should not be asked or undertake unaccompanied duties. It is the responsibility of all staff to ensure students are not left unsupervised
- Doors will be left open if an adult is alone with a child or if the child is having a short period of time outside the group
- examining a child who is hurt following an accident at the nursery will be carried out in the presence of another staff member. If an injury requires a more intimate examination, then the child's parent/carer will be called to seek permission. The child will then be examined with the parent's consent (and child's consent dependent on his/her age) and the examination carried out by a senior member of staff

- staff must not take responsibility for examining a child where there is a concern by another third party (e.g. parent or social workers) that has child has been physically abused. This is the responsibility of child protection authorities to carry out.
- the use of corporal (physical) punishment is illegal and therefore must never be used.
- staff should not threaten to use corporal punishment, nor use or threaten any form of punishment which could have an adverse impact on the child's well-being
- when working directly with children, staff must not be under the influence of alcohol or any substances that may affect their ability to care for children.
- If any staff are taking medication which they believe might affect their ability to care for children, they should seek and follow medical advice and only work with children if the medication is unlikely to impair their ability to look after children. Staff medication on the premises must be securely stored, and out of reach of children, at all times.

3.3 Code of Conduct - online / handling children's data

By law the RSC Nursery is required to keep a range of data about the children being looked after on the premises.

Additional elements to the code of conduct have been developed to guide those RSC staff working or communicating online with children and young people, handling children's data and/or using ICT equipment. The RSC restricts access to children's data to those staff that will specifically require it for work purposes.

It is important that all children's information is securely stored, accessed and managed in line with the Data Protection Act 2018 and General data protection regulation (GDPR). In addition, it is important that:

- a limited number of approved RSC staff have access to the data and the process of approval/delegation of authority to access will be managed through the Head of Nursery, Head of Finance and Chief Information Officer.
- other staff members who require access to children's data must do so via Head of Nursery
- children's data is used for RSC Nursery business purposes only except where specific permission has been sought from and granted by the child's legal guardian
- children's data must not be printed off or shared with others (internal or external) unless it's for a clear work purpose and has formal documented line management approval for the role or specific project e.g. an email trail.
- staff should report any concerns about inappropriate conduct or use of children's data to the Head of Nursery
- Contact with nursery families outside of opening hours should only be made with the knowledge of the Head of Nursery whether by phone, text or email, social media. A recorded declaration of pre-existing relationships/friendships or privately arranged babysitting for any family met through work should be made to Head of Nursery to monitor potential conflict of interests.

3.4 Guidance for preventing abuse of a position of trust

All nursery staff and students should clearly understand the need to maintain appropriate boundaries in their dealings with children and young people. Staff should be aware that they may be seen as role models by children and must always act in an appropriate manner.

When you are working with children on behalf of the RSC you are considered to be acting in a position of trust. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

A position of Trust at the nursery also relates to the trust built up between families of children attending the nursery. It is recognised that having contact with children from the nursery outside of work contact can create a conflict of interest and is open to potential grooming situation therefor babysitting children that attend the nursery is strictly monitored and transparent to avoid any misunderstanding. Parents are asked to speak to the Head of Nursery before approaching staff to avoid discomfort and they are told that babysitting is to be arranged off premises, staff are not to be distracted from their work. Staff are required to let Head of Nursery know each occasion they babysit, and this is recorded in the nursery diary.

Details on the abuse of positions of trust have been included here because RSC nursery may have students on placement under the age of 18.

Young people of 16 or 17 can legally consent to some types of sexual activity but they may still be relatively immature emotionally. It is essential that those who may be in a position of responsibility and trust recognise this vulnerability and ensure that it is not exploited. Where a person aged 18 or over is in a specified position of trust⁴ with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity even if the young person is ostensibly consenting.

Code of Conduct – Position of Trust:

- Any behaviour, which might allow a sexual relationship to develop between the person in a position of trust and the children in their care or students under their guidance, must be avoided.
- Any sexual relationship within a position of trust relationship is unacceptable so long as the relationship of trust continues.
- All those in the RSC have a duty to raise concerns about behaviour of staff, volunteers, managers and others, which may be harmful to those in their care, without prejudice to their own position.
- Allegations relating to a breach of this code may be reported to the police and children's services and may also be investigated in line with RSC disciplinary procedures.

Any concerns about the abuse of a position of trust must be reported to the Head of Nursery or the HR Director if the concerns relate to the Head of the Nursery.

4.0 Confidentiality and information sharing⁵

Care must be taken to ensure that both adults' and children's confidentiality is maintained and that information is handled and disseminated on a *need to know basis* only. Individuals must be confident that information held about them by the RSC Nursery will only be shared with others either with their consent or when there is a legal duty to do so.

We consider it reasonable for staff to discuss day-to-day concerns about children with colleagues in order to ensure that the child's general needs are met in nursery. However, through child protection training staff are made aware their duty to report all child protection and safeguarding concerns to the DSL or Head of Nursery or – in the case of concerns about the Head of Nursery – to the RSC Senior Safeguarding Advisor. The person receiving the referral will then decide who else needs to have the information and they will disseminate it on a 'need-to-know' basis.

The principles of the Data Protection Act 2018 and General Data Protection Regulation (GDPR) must be adhered to when handling personal information, that is: personal information is obtained and processed fairly and lawfully; only disclosed in appropriate circumstances; accurate, relevant and not held for longer than necessary; and kept securely.

⁴ Sexual Offences Act 2003.Sect 16-19 re-enacts and amends offence of abuse of position of trust

⁵ HM Government Information sharing July 2018

The Act allows for the disclosure of personal information **without consent** of the subject in certain conditions, including for the purposes of the prevention and detection of a crime, for example where there is a child protection concern.

It is best practice to gain verbal or written consent from a child or parent/ carer before any personal information relating to them or their child is shared with another organisation (such as children's social care). However, you may not need to seek consent to share information if it might be unsafe to seek (e.g. seeking consent might increase the risk of harm to the child) or causes an unjustified delay or if it would prejudice the prevention, detection or prosecution of a serious crime. When in doubt advice should always be sought from someone experienced in dealing with these issues, such as children's social care or the NSPCC Helpline. A decision can then be made about whether or not to seek consent and/or inform the parents/carers of your concerns.

In situations where a request is made by another organisation for information about a child or adult, the Head of Nursery must be informed, and her decision and action (including the reasoning for this decision) should be recorded.

In all cases where information is shared the following information should be recorded on the child's file or personnel file:

- date and time
- summary of information shared
- who the information was shared with
- whether you are sharing with or without consent
- if sharing without consent, whether the child or family were informed
- how the information was shared and any receipt of it having been received

The principles for information sharing are that it is necessary and proportionate; relevant; adequate; accurate; timely; secure; and that a record is kept of having shared the information

Appendix 10 gives more detailed information on Government guidance on information sharing.

All safeguarding records are transferred separately from a child's main file to a receiving school or other childcare establishment when a child moves. Records are only transferred to the establishments DSL either by hand, Royal Mail recorded delivery or if electronically following current secure transfer procedures. The Nursery DSL will do this as soon as possible, ensuring secure transit and confirmation of receipt will be obtained.

Any incoming safeguarding records will be brought to the attention of the DSL and Deputy DSLs who will decide if the information needs to be shared with any other key staff.

5.0 Identifying and responding to child protection concerns about a child

RSC nursery staff may, at times, have to respond to concerns about the welfare and safety of children and young people. This could include actual or alleged harm of a child. Alternatively, a child we are working with may tell someone of their abuse directly. This section tells you what you must do in the event of having a concern about a child.

Essentially there are 4 key steps to be followed:

- Being alert to signs of abuse and neglect
- Questioning behaviours and listening to the child
- Ask for help
- Referring to children's social care and/or the police

5.1 Being alert to signs of abuse or neglect

Child welfare concerns may arise in many different contexts and can vary greatly in terms of their nature and seriousness. Children may be abused in a family or in an institutional or

community setting, by those known to them or by a stranger, including via the internet. In the case of female genital mutilation, children may be taken out of the country to be abused. They may be abused by an adult or adults, or another child or children. An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. Abuse and neglect can happen over a period of time but can also be a one-off event. Child abuse and neglect can have major long-term impacts on all aspects of a child's health, development and well-being.

You can become aware of the actual or alleged harm to, or abuse of, a child in a variety of ways:

- a child tells you
- the child's play or behaviour
- the child's appearance, including injuries
- the child's interaction with the parent/carer
- someone else tells you that they suspect a child is being abused
- the behaviour of another adult towards a child
- you may observe harmful behaviour between a child and adult or between children

There are four broad categories of child abuse and neglect:

- Physical abuse
- Neglect
- Emotional abuse
- Sexual

5.2 The main types of abuse⁶ *Appendix 9 gives more detailed information on the indicators of child abuse.*

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. 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. An adult or adults or another child or children may abuse them.

There are four categories of child abuse, defined as:

Physical abuse

A form of abuse which 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

The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve:

- conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.
- not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.
- age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.
- seeing or hearing the ill-treatment of another.

⁶ HM Government (2018) *Working Together to Safeguard Children*

- serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve:

- physical contact, including assault by penetration (for example, rape or oral sex)
- non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing.
- 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 and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-givers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Bullying

In addition to these categories of abuse, bullying may also be considered as a form of abuse in some circumstances. It is defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are physical (e.g. hitting, kicking, theft), verbal (e.g. racist or homophobic remarks, threats, name calling) and emotional (e.g. isolating an individual from the activities and social acceptance of their peer group). The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children, to the extent that it affects their health and development or, at the extreme, causes them significant harm (including self-harm).

Additional vulnerabilities

It is important to be mindful that some children are particularly vulnerable to abuse because of their age or their living circumstances or characteristics. Disabled children are at a greater risk of abuse than non-disabled children. Children living in adverse parental circumstances may also be more at risk, in particular children living in homes where there is domestic violence, substance misuse and/or severe parental mental illness. Children from particularly isolated or new communities may also be at increased risk of abuse as well as those children who display challenging behaviour. Girls may be at risk of female genital mutilation if they belong to communities who practice this type of ritual.

Peer on peer abuse and children with sexually harmful or inappropriate behaviour

The RSC Nursery is committed to providing a safe environment for all children that is free from any form of bullying or harassment. Any physical violence by children on their peers during the nursery day will be stopped immediately. Any sexist, racist or other derogatory remarks will be highlighted as unacceptable

Staff recognise children may be harmed by other children or young people at nursery or in their wider community. Abusive behaviour by one child towards another will not be tolerated, minimised or dismissed as 'banter' or 'part of growing up'. Members of staff who become concerned about a child's sexualised behaviour should record their concerns and report them to the DSL as soon as possible, as with any other safeguarding concern.

Staff are aware of the harm caused by bullying and will refer to and use the nursery's Supporting Behaviours and Feelings policy where necessary. However, there may be occasions when a child's behaviour warrants a response under child protection rather than our managing behaviours procedures. Research suggests that up to 30 per cent of child sexual abuse is committed by someone under the age of 18.

The nursery is committed to supporting young children when going through stages of development that may include hurting or being hurt by their peers, working in partnership with the child's parents and using objective observation, records to establish an understanding of the cause enabling us to facilitate a safe learning environment for all children concerned, subject to appropriate risk assessments and risk management plans.

Where it is believed a child and family would benefit from co-ordinated support from more than one agency and with parental consent the nursery will access the Early Help local provision.

Youth produced sexual imagery ('sexting')

Staff at the RSC Nursery understand that young people who share sexual imagery of themselves or their peers are breaking the law. All incidents of youth produced sexual imagery (YPSI) will be dealt with as safeguarding concerns. The primary concern always will be the welfare and protection of the young people involved.

Child sexual exploitation (CSE)

Sexual exploitation involves an individual or group of adults taking advantage of the vulnerability of an individual or groups of children or young people. Sexual exploitation is a serious crime and can have a long-lasting adverse impact on a child's physical and emotional health. It may also be linked to the trafficking of children.

Using the themes of Protective Behaviours, the nursery promotes:

- children have a right to feel safe all of the time
- children have a voice and will be listened to
- children to understand and interpret their feeling allowing them to make safe choice
- the use of correct words to name their bodies parts⁷

All staff are made aware of the indicators of sexual exploitation of children and all concerns are reported immediately to the DSL.

Child criminal exploitation: county lines

Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas, market and seaside towns.

So-called 'Honour Based' Violence (HBV)

⁷ Let's Talk to Keep our Children Safe WCC Taking Care Scheme

So-called 'honour-based' violence (HBV) encompasses incidents or crimes which have been committed to protect or defend the honour of a family and/or community. Such crimes include Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. Staff will be alert to the possibility of a child being at risk of HBV or already having suffered HBV.

RSC Nursery Staff are aware that all forms of so-called HBV are abuse (regardless of the motivation) and will record and report any concerns about a child who might be at risk of HBV to the DSL as with any other safeguarding concern. The DSL will consider the need to make a referral to the Police, and/or Children's Social Care as with any other child protection concern; and may also contact the Forced Marriage Unit for advice as necessary.

Female genital mutilation⁸

Female genital mutilation (FGM) is a form of child abuse. It is the collective name given to a range of procedures involving the partial or total removal of the external female genitalia for non-medical reasons or other injury to the female genital organs. It has no health benefits and harms girls and women in many ways. The practice, which is most commonly carried out without anaesthetic, can cause intense pain and distress and long-term health consequences, including difficulties in childbirth.

FGM is carried out on girls of any age, from young babies to older teenagers and adult women, so nursery staff are trained to be aware of risk indicators. Many such procedures are carried out abroad and staff should be particularly alert to female children about going on extended holiday especially to countries where FGM is commonly practiced.

In England, Wales and Northern Ireland, the practice is illegal under the Female Genital Mutilation Act 2003. If nursery staff have a concern that a girl may be at risk of FGM, they will record their concern and inform the DSL as they would any other safeguarding concern. The DSL will make a referral to Children's Social Care.

If nursery staff discover, either through the victim or through visual evidence, that FGM appears to have been carried out on a child they have a statutory duty to report to the Police personally. The Head of Nursery and DSL will support staff through this process of mandatory reporting

Forced marriage⁹

A forced marriage is a marriage in which a female (and sometimes a male) does not consent to the marriage but is coerced into it. Coercion may include physical, psychological, financial, sexual and emotional pressure. It may also involve physical or sexual violence and abuse.

A forced marriage is not the same as an arranged marriage. In an arranged marriage, which is common in several cultures, the families of both spouses take a leading role in arranging the marriage but the choice of whether or not to accept the arrangement remains with the prospective spouses.

Children may be married at a very young age, and well below the age of consent in England. Nursery staff should be particularly alert to suspicions or concerns raised by a pupil about being taken abroad and not being allowed to return to England.

Since June 2014 forcing someone to marry has become a criminal offence in England and Wales under the Anti-Social Behaviour, Crime and Policing Act 2014.

Protecting children from radicalisation and extremism

The RSC nursery is aware that it is subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have

⁸ (See <https://www.gov.uk/government/publications/female-genital-mutilation-guidelines> for further information).

⁹ (See <https://www.gov.uk/forced-marriage> for further information).

'due regard to the need to prevent people from being drawn into terrorism'. This duty is known as the **Prevent duty**.

Protecting children from the risk of radicalisation is part of the RSC Nursery's wider safeguarding duties and is similar in nature to protecting children from other forms of harm and abuse. As such, the Designated Safeguarding Lead (DSL) is responsible for the nursery's strategy for protecting children from those risks.

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. Even very young children have been exposed, in rare circumstances, to extremism at home and elsewhere including online.

We introduce children through curriculum based activity to the diversity of the world they live in helping develop a sense of tolerance and regard for others' opinions regardless of religion, ethnicity and culture.

Nursery staff access Prevent Duty training that provides them with both the information they need to understand the risks affecting children and young people in this area; and a specific understanding of how to identify individual children who may be at risk of radicalisation and how to support them. Staff are trained to report all concerns about possible radicalisation and extremism to the DSL immediately as they would any other safeguarding concern, identifying early indicators of possible radicalisation including changes in behaviour and attitudes to learning; and expressions of interest in extremist ideas along with a tolerance towards potential violence to certain members of society.

The DSL will discuss any concerns about possible radicalisation with a child's parents/carers as with any other safeguarding or child protection issue unless there is reason to believe that doing so would place the child at risk; and will also support parents/carers who raise concerns about their children being vulnerable to radicalisation. In cases where there is a radicalisation concern a referral will be made through the Channel programme.

Parents and staff may find the website www.educateagainsthate.com informative and useful

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 and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have to leave the family home as a result.

5.3 Questioning behaviours and listening to the child

The signs of child abuse might not always be obvious and a child might not tell anyone what is happening to them, therefore it is imperative that staff question behaviours if something seems unusual. If a child says or indicates through their behaviour or interaction with a parent/carer that they maybe being abused, or information is obtained which gives concern that a child is being abused, the staff member/student receiving this information should:

- React calmly so as not to frighten the child;
- Listen to the child
- Take what the child says seriously, recognising the difficulties inherent in interpreting what is said by a young child and/or a child who has a communication impairment and/or differences in language;
- Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said; if questions are necessary ask open questions;
- Do not criticise the perpetrator;

- Reassure the child it was right to tell and it wasn't their fault, but do not make promises of secrecy, which might not be feasible in the light of subsequent developments,
- Explain what has to be done next and who has to be told;
- Complete a Logging a concern about a child's safety and welfare, using Warwickshire Safeguarding Form C (Green form), recording what has been said, heard and/or seen (*Appendix 2*).

5.4 Reporting allegations, suspicions or concerns – what you need to do

It is recognised that any child in any family could become a victim of abuse and nursery staff should always maintain an attitude of "it could happen here".

It is not the responsibility of anyone working at the RSC Nursery in a paid or voluntary capacity to decide whether or not a child is being abused or neglected. However, nursery staff have a professional responsibility to act on concerns to protect children in order that appropriate agencies can then make enquiries and take any necessary action to protect the child.

Key points for staff to remember when taking action are:

- in an emergency take the action necessary to help the child, for example, call 999;
- report your concern to the DSL as quickly as possible – immediately when there is evidence of physical or sexual abuse and certainly by the end of the day;
- do not start your own investigation;
- share information on a need-to-know basis only – do not discuss the issue with colleagues, friends or family;
- ¹⁰complete Part 1 of the Logging a concern about a child's safety or welfare Form C (green form); and
- seek support for yourself if you are distressed or need to debrief.

Children's social care has a statutory duty under the Children Act 1989 to ensure the welfare of each child. When it receives a child protection referral it has a legal responsibility to make enquiries to protect the child. This may involve talking to the child and family and gathering information from other people who know the child. The enquiries may also be carried out jointly with the police. In some circumstances there will be a child protection conference and possibly court proceedings but this is rare. In most cases the local authority will seek to offer the child and the family help and support through the Early Help Assessment Process.

Early help

It is recognised that any child may benefit from Early Help and that providing this is often more effective in promoting the welfare of children than reacting later. Early help means providing support as soon as a problem emerges, at any point of a child's life. All staff as part of their child protection training are made aware of the early help assessment process to help them identify the children it may benefit. Reference is made to Keeping Children Safe in Education, part 1, paragraph 17, that highlights area when staff should be particularly alert to the potential need for early help.

In circumstances where the Head of Nursery has concerns about a child that are not of a child protection nature i.e. child health and development, then consideration will be given to how best to meet the child's needs. Where it is believed a child and family would benefit from co-ordinated support from more than one agency and with parental consent the nursery will use the Early help assessment process to identify the required help and support. The nursery may also seek advice from the Warwickshire Early Years Education Team. In all cases the DSL will take the lead in identifying emerging problems, coordinating the approach and accessing early help where required.

¹⁰ <https://www.safeguardingwarwickshire.co.uk/safeguarding-children/i-work-with-children-and-young-people/interagency-safeguarding-procedures>

The RSC Nursery is committed to working in partnership with children, parents and other agencies to ensure the best outcomes for every child. If the child's situation does not improve or parents do not consent to early help the nursery will make a judgement and seek advice from Children's social Care.

5.5 How to make a referral

1. The nursery Designated Safeguarding Lead (DSL) will decide if it is appropriate to make a referral to children's social care or the police. The DSL must complete Part 2 of the Logging a concern about a child's safety or welfare form. As part of making this decision the DSL may consult with the RSC's senior safeguarding adviser, children's social care or the NSPCC Helpline. All referrals must be made within 24 hours of the concern or disclosure coming to light.
2. The Multi-Agency Referral Form (MARF) should always be completed when making a referral (*see Appendix 4 for details*). All urgent child protection referrals (where there is an immediate concern) should be made by telephone and then written details of the referral must be sent to children's social care within 48 hours of contacting them by phone. The DSL must ensure this is done.
3. If it is decided that a referral to children's social care or the police is not required the DSL must still complete Part 2 of the Logging Concern form indicating the reason for not making a referral. This information may become relevant later if further concerns emerge.
4. Any specific plan to monitor the child as a consequence of the concern must be noted and communicated to relevant staff to carry out.
5. Records of the referral and any notes of follow up action will be stored securely.
6. The person who raised the concern in the first place will need feedback and possibly support from either the safeguarding adviser or line manager.
7. Once a referral has been made to children's social care the social worker has a day to decide what further action is necessary to take and should inform the referrer of this. If the safeguarding adviser has not heard anything back from the social worker within three working days s/he should follow this up and note the outcome.
8. The Head of Nursery will inform the RSC senior safeguarding advisor of having made a referral
9. If further signs of potential abuse and neglect are identified again, then report and refer again as per this procedure

5.6 Escalation process – what to do if safeguarding concerns are not being appropriately acted upon

There are occasions when there are differences of opinion between the person making the referral and children's social care. For example, if the nursery did not feel that children's social care had acted appropriately on their concerns and that the children remained at risk then there is a specific escalation process that should be followed. It is up to the Head of Nursery in conjunction with the senior safeguarding adviser to determine if the matter required escalation as per the Warwickshire Safeguarding Procedures.

Nursery staff, volunteers or students who have concerns about the safety or welfare of a child that they feel they are not being acted upon by the DSL or RSC Safeguarding adviser should make the referral directly to children's social care themselves, contact the NSPCC Helpline or use the RSC Speaking Up Policy.

5.7 Medical emergency with suspicion of abuse

A child requiring urgent medical attention should be taken by ambulance to the nearest accident and emergency department accompanied by the nursery DSL. Where possible the child should be accompanied by a parent or carer. Whoever is escorting the child must remain with the child until their safety is assured. The Head of Nursery / DSL should make the necessary referral to children's social care immediately and follow steps outlined in 5.5.

Remember - it is not your job to investigate disclosures, allegations or information about harm or abuse of children. It is your job to pass on the information to those who are qualified to do so.

5.8 Children who are the subject of a child protection plan

When the nursery is advised that a child is the subject of a child protection plan contact will be made with the supervising social worker in order to understand the plan, the requirements within it and any specific role and responsibilities for the Nursery.

If the RSC Nursery has concerns about a child who is the subject of a child protection plan the Designated Safeguarding Lead or, in their absence, the deputy DSL should contact the supervising social worker immediately and if unavailable then contact will be made to children's social care

5.9 Recording the information – keep it clear and simple

Information may need to be passed to the children's social care or the police. It should be recorded on the form: Logging a Concern about a Child's Safety and Welfare. The form can be completed by the person reporting the concern, the line manager or the DSL. However, it is the DSL's responsibility to ensure it has been completed and a referral made to children's social care using the Multi-Agency Referral Form (MARF).

To be as helpful as possible the information should include:

- The nature of the allegation or concern
- A description of any visible bruising or other injuries
- The child's account (using his/her own words), if s/he can give them, of what has happened and how any injuries occurred
- Any times, dates, or other relevant information e.g. about the child's behaviour
- Whether the parent, carer, child or adult is aware of the referral having been made
- A clear distinction between what is fact, opinion, or hearsay
- Records should be signed, timed and dated.

Do not:

- Delay reporting the matter by trying to obtain more information
- Destroy any handwritten notes made at the time of the incident in case they are needed subsequently for any investigation or court proceedings.

All records of referral should be stored securely in the nursery in a locked file with access strictly controlled for 25 years (see section 8). After that period, they should be shredded or destroyed in a way that ensures their content is not available to others.

5.10 Access to records by parents/carers

The Nursery will maintain regular two-way flow of information with parents/carers and between providers (e.g. where a childminder regularly collects the child from Nursery). A record is kept for each child. This includes all the information given on admission and child observation and development notes. Comments from parents are incorporated into the records where appropriate and relevant.

Parents are allowed access to all written records about their children (except in exceptional cases where data protection laws state it is against the best interests of the child to do so). If there were concerns about a child that were being monitored and/or if there was child protection referral information about a child a confidential separate record would be held, kept in a secure, lockable filing cabinet and not shown to parents without prior discussion with children's social care. A marker would be put on the child's main record to show that another confidential record was being held. The Head of Nursery in line with the Data Protection Act 2018 and General Data Protection Regulation will determine who has access to the confidential file and who adds notes to it.

6.0 Allegations of abuse against members of staff, students or volunteers

Child abuse can and does occur outside the family setting. Although it is a sensitive and difficult issue, child abuse also occurs within organisations as well as in other settings. This could involve anyone working with children in a paid or voluntary capacity.

Evidence indicates that abuse that takes place within an organisation is rarely a one-off event. It is crucial those involved in the RSC Nursery are aware of this possibility and that all allegations are taken seriously and appropriate action taken.

These procedures should be followed in all cases in which it is alleged that a member of RSC staff/volunteer has:

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

6.1 Reporting allegations, suspicions or concerns – what you need to do

If a staff member has a concern about the behaviour of another member of staff or student, they should discuss it with the Head of Nursery in the first instance. The Head will consider the concern and if necessary will then report it to the RSC senior safeguarding adviser within the same working day. If the concern is about the Head of Nursery, then you can report the matter directly to the senior safeguarding adviser (Director of HR). The senior safeguarding adviser should be informed of situations even if it is unclear if the allegation constitutes abuse or not, and the action to be taken is not obvious. The senior safeguarding adviser needs to consider who else needs to be informed bearing in mind the need to maintain confidentiality.

The senior safeguarding adviser will require a written account from the member of staff/manager hearing/seeing the allegation/concern and a summary of any available additional information including the names and addresses of any potential witnesses. Both documents should be signed and dated.

There may be circumstances where allegations are about poor practice rather than child abuse but, where there is any doubt, the senior safeguarding adviser should seek advice from the designated officer(s)¹¹ in the local authority. A Position of Trust Referral form (*Appendix 3*) must be completed by the senior safeguarding adviser when making a referral or seeking advice from the designated officer regarding a Person in a Position of Trust with children or young people.

Every effort should be made to ensure that confidentiality is maintained for all concerned and to protect the integrity of the investigation process.

It is acknowledged that feelings generated by the discovery that a member of staff or volunteer is, or may be abusing a child, will raise concerns among other staff or volunteers, including the difficulties inherent in reporting such matters. However, it is important that any concerns for the welfare of the child should be reported immediately.

The RSC will fully support and protect any member of staff or volunteer who, in good faith, reports his or her concern that a colleague is, or may be abusing a child.

6.2 What happens next?

Where there is a complaint of abuse against a member of staff, there may be three types of investigation:

- A criminal investigation
- A child protection investigation or enquiry

¹¹ This role was previously referred to as the LADO. Different LAs may refer to it differently from now onwards.

- A disciplinary investigation or enquiry by the RSC

The Head of Nursery and the senior safeguarding adviser will decide if an individual accused of abuse should be temporarily suspended from work pending police and children's social care enquiries.

Investigations will be dealt with quickly, fairly and impartially. The member of staff/volunteer should be informed about the allegation or concern as soon as possible (but not before consultation with the Designated Officer social care/police where necessary, in respect of timing and content).

The Head of Nursery will also notify Ofsted (tel: 0300 123 1231) without delay of any allegations of serious harm or abuse by persons working or looking after children at the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or any other abuse which is alleged to have taken place on the premises, and the action taken in respect of these allegations. This information must be passed to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the allegations being made.

The police and/or children's social care investigation needs to take place prior to any disciplinary process and the results may inform the disciplinary process.

If the investigation shows that the allegation is clearly about poor practice then the RSC will consider instigating its disciplinary procedure.

Irrespective of the findings of police or children's social care, the RSC will assess all individual cases under the appropriate disciplinary procedure to decide if a member of staff or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police. In such cases, the RSC must reach a decision based upon the information that is available.

The welfare of the children should always remain paramount. Consideration should be given to what support may be needed by child, parent(s) and members of staff.

Referral to DBS for consideration to bar

If the RSC removes an individual (paid worker or unpaid volunteer) from work with children (or would have, had the person not left first) because that person poses a risk of harm to children, the RSC must make a referral the Disclosure and Barring Service so that they can consider if the individual should be barred from, or have conditions imposed, in respect of working with children. It is an offence to fail to make a referral without a good reason.

The senior safeguarding adviser is responsible for making the referral to the DBS. The referral form can be found on the DBS website.

The RSC may seek advice about this from the designated officer in the local authority.

A decision about making a 'referral to bar' must be made within 30 days of the final outcome of the investigation/inquiries.

The RSC Nursery sometimes uses the services of agency staff to meet its requirement of staff to child ratio. In the event that a member of staff has, or is aware of, concerns raised about the behaviour of said agency staff this must be raised with the Head of Nursery and / DSL who will then decide who else needs to be informed and what action needs to be taken and by whom.

7.0 Secure storage of concern/referral information

If, as a result of the discussion, a referral is made using the procedures as set out above, a copy of the referral form must be kept together with this record. It should include the name and role of the person to whom the referral was made, their telephone number and the time and date. Where the concern related to an allegation or concern about a member of staff

then the record should be kept until the person reaches normal retirement age or for 10 years if that is longer.

It is also important that all records are stored securely for example:

- Compile and label hard copy files carefully.
- Files containing sensitive or confidential data are be locked away and access to the keys strictly controlled.
- Access to records are limited to people in named roles (Head of Nursery, DSL and Deputy DSL's and nursery administrator) who either need to know about the information in those records and/or who manage the records/files.
- If files are to be stored long term then arrangements need to be made for the keys to be passed from outgoing staff to their successors.
- If records are stored electronically then password-protect those records, which only limited staff (as above) should have access to.
- Arrangements must be in place for ongoing management of the records including the review and disposal of records.

Attendance

Parents are expected to report their child's non-attendance to booked nursery sessions whether due to holiday or illness.

It is recognised that patterns of absence give rise for concern therefore any unexplained absence will be questioned, recorded and followed up by the Head of Nursery.

Helping our children to keep themselves safe

The RSC Nursery believes that even at this early age children can be supported in learning essential behaviours and skills empowering them to keep themselves safe. Through the nursery ethos and environment, we encourage all children to think independently and make assessments of risk based on their own judgements thereby building confidence and self-esteem.

The nursery works with The Early Years Foundation Stage Curriculum, throughout which core values are embedded, and considers the document referenced in Prevent Duty, Fundamental British values. We are committed to building a community where children feel safe, are respected and listened to. Staff are vigilant observing the individual needs of children taking each voice seriously and working together to resolve conflict; children know their views count and they have a voice.

8.0 Visitors on the nursery premises

Visitors to the nursery, including contractors, are asked to sign in on arrival; parents who are simply delivering or collecting their children do not need to sign in. All visitors are expected to observe the nursery's safeguarding and health and safety regulations to the safety of all children. The Head of Nursery or Deputy will exercise professional judgement in determining whether any visitor should be escorted or supervised while on site.

The nursery in partnership with the RSC checks the identity of all contractors working on site and requests DBS checks where appropriate. Contractors who have not undergone checks will not be allowed to work unsupervised or in regulated activity.

9.0 Use of images of children within the nursery

As part of the admissions process RSC will seek parental consent about the taking and use of images.

Images may be taken for these purposes:

- displays in nursery
- record of child's achievement
- annual photograph by professional photographer for family purchase
- promotional materials – paper based or online

This guidance is concerned with the first three of these only. For guidance on the use of images for promotional purposes and/or the website see the RSC Core Safeguarding Children Policy (*section 14*) as these come within the remit of that policy document

RSC Nursery takes photographs of children for the purpose of including them in displays around the Nursery and for children's records. Such photographs should only be taken on a nursery camera, stored, printed and distributed by the Head of Nursery. Once photographs are no longer required for display purposes they will be deleted from the camera and/or SD card. Uncollected photographs must be destroyed.

Consent for children to be photographed during the nursery session will to be sought from parents on admission and permission will be updated annually (*Appendix 5*).

Parents are not permitted to use cameras or recording devices on nursery premises.

Reference documents

Keeping Children Safe in Education (DfE 2019)

Working Together to Safeguard Children (DfE 2018)

Warwickshire Safeguarding Children Board Inter-Agency Safeguarding Procedures -

<https://www.safeguardingwarwickshire.co.uk/>

Child Protection Record Keeping Guidance (WCC Education Safeguarding Service)

What to do if You're Worried a Child is being Abused 2015 - Advice for Practitioners (HMG 2015)

Children missing education - Statutory guidance for local authorities (DfE 2016)

Statutory Framework for the EYFS (DfE 2017)

The Prevent Duty (DfE 2015)

Development matters in the Early Years Foundation Stage (DfE 2012)

Safer Recruiting Programme (Safer Recruitment Consortium 2017)

Disqualification under the Childcare Act 2006 (DfE 2018)

Safeguarding Children: dealing with low-level concerns about adults (Farrer & Co 2017)

Mandatory Reporting of Female Genital Mutilation – procedural information (Home Office 2016)

Guidance on the Use of Force and Physical Intervention (Warwickshire Safeguarding 2014) https://www.proceduresonline.com/covandwarksscb/files/g_use_of_force.pdf

Thresholds for Services (Warwickshire Safeguarding 2017)

https://www.proceduresonline.com/covandwarksscb/files/thresholds_warks.pdf

Data Protection Act 2018

General Data Protection Regulation GDPR 2018

HM Government Information Sharing: Guidance for practitioners providing safeguarding services to children, young people, parents and carers July 2018

Contact Details

RSC Senior Safeguarding Adviser

Jo Pitman, Director of Human Resources jo.pitman@rsc.org.uk 01789 272644

RSC Safeguarding Advisers

Name	Key departments covered	Contact details
Kate Robinson	RSC Nursery Designated Safeguarding Lead	01789 414583 kate.robinson@rsc.org.uk
Chris O'Brien	Children's data: <i>Sales and marketing, legal, box office, IT, finance and admin, press, development, HR</i>	01789 272242 chris.obrien@rsc.org.uk
Liz Wainwright	Front Facing <i>Commercial services, retail, FOH, catering, programmes, stage door, green room</i>	01789 272297 liz.wainwright@rsc.org.uk
Fiona Ingram	Frequent Contact <i>Education and events/exhibitions, work experience, work placements, collections</i>	01789 403465 fiona.ingram@rsc.org.uk
Roger Penhale	Performance <i>Acting, company production and technical, artistic development, chaperones, casting, health and safety</i>	07976274978 roger.penhale@rsc.org.uk

Warwickshire Multi Agency Safeguarding Hub (Warwickshire MASH)¹²

- office hours duty team 01926 144
- out of office hours - emergency duty team 01926 886922
- Local Authority Designated Officer (LADO) 01926 743433

NSPCC 24-hour Helpline 0808 800 5000

Police

Emergencies 999
Child protection referrals desk 01926 415834

Ofsted : General Enquiries 0300 123 1231
: Safeguarding Concerns 0300 123 4666

Disclosure and Barring Service PO Box 181, Darlington, DL1 9FA.
01325 953 795

Warwickshire Family Information 01926 742274

¹² <http://www.warwickshire.gov.uk/mashinfoforprofessionals>

Form C (green paper) – This form **must** be completed in black ink

Logging a concern about a child's safety and welfare

(NB **All** concerns must be recorded but a Designated Safeguarding Lead must be informed **immediately** about **all** disclosures by a child of abuse and **any** situation where a child may be at immediate risk of harm at the end of their school day – this form should then be filled in and passed to the DSL as soon as possible after the DSL has been informed)

Pupil's Name:	Date of Birth:	Year Group:	Form:
Date:	Time (of writing this record):		
Name of person completing this form (please print):			
Job Title:			
Signature:			
Reason(s) for recording the incident/concern (headline):			
<p>Record the following factually: When (date & time of incident or concern arising)? Where did your concerns arise? Who else - were any other children or staff present? What exactly did you see/hear/smell that raised your concern? N.B. Please record any direct disclosures/statements/comments using the child or adult's exact words in quotation marks.</p>			
NB if additional pages are used, these must be attached securely to this form			
<p>Professional opinion: Your professional opinions, impressions and worries are important. Facts should be recorded in the box above but please record your opinions, impressions and worries here and state what has led you to form them (e.g. something you have noticed, feel or suspect).</p>			
Action taken, including names of everyone spoken to about the incident/concern:			
Name of Designated Safeguarding Lead this form was passed to:			
Date and time incident/concern was shared with Designated Safeguarding Lead:			

Please check to make sure your report is clear; and will be clear to someone else reading it next year

NOW PLEASE PASS THIS FORM TO YOUR DESIGNATED SAFEGUARDING LEAD FOR COMPLETION OVERLEAF (NB by end of working day at latest if child is not at immediate risk of harm)

Form C (green paper) – **This form must be completed in black ink**



(Following sections to be completed by Designated Safeguarding Lead)

Time & date information received by DSL and from whom	
Any advice sought by DSL (date, time, name, role, organisation & advice given)	
DSL's analysis of presenting issues/concerns and advice received	
Action taken (referral to or consultation with MASH or local Children's Services team/ monitoring advice given to appropriate staff/ Early Help etc.) If decision not to refer, state reason. Note time/date/names/ who information shared with and when etc.	
Outcome (include names of individuals/agencies who have given you information regarding outcome of any referral (if made))	
Parents informed Yes/no – reasons if no	
Where can additional information regarding child/ incident be found? (e.g. pupil file, serious incident book)	
Signed	
Printed Name	
Date	

Date/time/how member of staff submitting this form received feedback about action taken from DSL (please circle below as appropriate)	Date:	Time:
Face to face	Phone call	e mail (copy retained)
Signature of reporting M of S	Signature of reporting M of S	

Form D (yellow paper) – This form **must** be completed in black ink



Logging a concern about the behaviour of a member of staff or volunteer

(N.B. This form should be used for recording and reporting **all** allegations of abuse by and **all** concerns about the behaviour of staff and volunteers that are in breach of the Staff Behaviour policy (code of conduct). **All** allegations and **all** such concerns **must** be reported to the Headteacher* without delay)

<p>About the member of staff or volunteer whose behaviour is causing concern or is subject of the allegation:</p> <p>Name (print):</p> <p>Job Title (print):</p>	
<p>Date (of writing this record):</p>	<p>Time (of writing this record):</p>
<p>About the person reporting the concern/allegation and completing this form:</p> <p>Name (print):</p> <p>Job Title (print):</p> <p>Signature:</p>	
<p>What is the nature of the specific allegation or concern about behaviour (brief headline)?</p>	
<p>Record the following factually: When? (date & time of incident); What exactly has raised your concern (what happened, what did you see/hear/find out or what were you told)? Where did your concerns arise? Who else - were any pupils or other staff present or involved? N.B. Please record any direct disclosures/statements/allegations/comments using the child or adult's exact words in quotation marks</p>	
<p>NB if additional pages are used, these must be attached securely to this form</p>	
<p>Did you do anything or speak to anyone else before reporting the incident/concern to the Headteacher* (if yes, please provide names and details)?</p>	
<p>Any other relevant information:</p>	
<p>Date and time incident/concern was first shared with Headteacher* N.B. It is not necessary to complete this form before speaking to the Headteacher* – the circumstances may mean you need to speak to the Headteacher* first as a matter of priority:</p>	

Check to make sure your report is clear; and will be clear to someone else reading it next year

**NOW PLEASE PASS THIS FORM TO THE HEADTEACHER*
(Headteacher* to complete sections overleaf)**

* In the event that the allegation/concern is about the Headteacher, this form must be passed to the Chair of Governors, who should complete the second part of the form.



Working for Warwickshire



Form D (yellow paper) – **This form must be completed in black ink**

(Following sections to be completed by Headteacher*)

Time & date information received by Headteacher*, and from whom	
Action taken (e.g. discussion with LADO; PoT MARF submitted to LADO; advice taken from HR/ Legal/ Chair of Governors)	
Date, time, name, role, organisation advice provided by	
If decision not to refer to LADO, state reason	
Parents informed? Yes/ no State reasons if no	
Outcome (e.g. Referral to LADO, PoT meeting convened, HR advice taken, Police investigation, internal investigation, informal management advice given and recorded, no further action)	
Signed	
Printed Name	
Date	

Signature, date and time when member of staff submitting this form received confirmation of receipt of report/allegation from Headteacher*

MASH – Information for professionals – How do I make a safeguarding referral?**For urgent concerns**

If a child is at immediate risk of serious harm requiring immediate action, call **Warwickshire Multi-Agency Safeguarding Hub (MASH)** on **01926 414144**

- Lines are open from: Monday to Thursday: 8:30am – 5:30pm

Friday: 8:30am – 5:00pm

Telephone contact must always be followed by completion of the Warwickshire Multi-Agency Referral Form (MARF) <http://apps.warwickshire.gov.uk/api/documents/WCCC-1167-5>

and urgent submission to mash@warwickshire.gov.uk

Out of hours

If you need to get in touch out of usual office hours, please contact the Social Care Emergency Duty Team immediately on 01926 886922

Concerns about a person in a Position of Trust

Where there are concerns relating to a person in a Position of Trust (POT) this should be referred to the Local Authority Designated Officer (LADO) on **01926 743433**

Telephone contact must always be followed by completion and urgent submission of the **Position of Trust MARF** to lado@warwickshire.gov.uk

For non-urgent concerns

Complete the **Warwickshire MASH Multi-Agency Referral Form (MARF)** and send to mash@warwickshire.gov.uk

What to consider before making a referral

The Warwickshire Safeguarding Children Board (WSCB) has developed a Thresholds Document¹³ on determining levels of need when making assessments. This provides advice and guidance regarding the level of support children may require. Professional staff should consider before making a referral to the MASH, whether the needs of the person subject of the concern can be met by services from within their own agency, or by other professionals already involved with the family. This is usually relevant for children who have universal or additional needs, this is often referred to as Level 1 or 2 support as demonstrated in the Thresholds Document.



¹³ Thresholds for Services (WSCB 2014)

Taking photographs and recording film images of children

Parental consent form - Early Years Foundation Stage settings (01/01/2018– 31/12 2018)

The RSC Nursery has a responsibility to ensure the welfare and safety of children this includes the security of images taken.

We use photographs and digital film for a number of reasons. The main purpose is to celebrate children's successes and to record learning and achievement. Photographs of children enjoying activities may be used on display boards, plasma screens and on our website.

Photography or filming will only take place with the permission of the Head of Nursery or in, and under appropriate supervision. Photographs and film will only be recorded and stored on RSC owned equipment and will be subject to our image destruction policy.

Additionally, your child's image may be used outside of the RSC Nursery. Common instances may involve promotion of the nursery to the RSC and the local community. Images may appear in publications or channels used by the media. Your child's identity will not be disclosed without your consent and only if the photograph is used to celebrate individual success. We always seek further consent in addition to this form on a case by case basis for the last four points.

In order to comply with the Data Protection Act 1998 a lawful basis is required before capturing images of a child.

I give consent for you to record and use images of my child in the following ways	Please tick ✓	
	Yes	No
Displays within the RSC Nursery		
Use in my child's Learning Journey		
Use in the Learning Journeys of other children who attend the RSC Nursery		
RSC website (this will include documents such as the prospectus and newsletter) <i>N.B. The website is accessible to the general public.</i>		
Images of your child made available to purchase e.g. photographs taken by a professional photographer, arranged by the RSC Nursery		
General publicity (not press or broadcast media) (may include use by the local authority and for training purposes)		
Use by the press and other broadcast media		

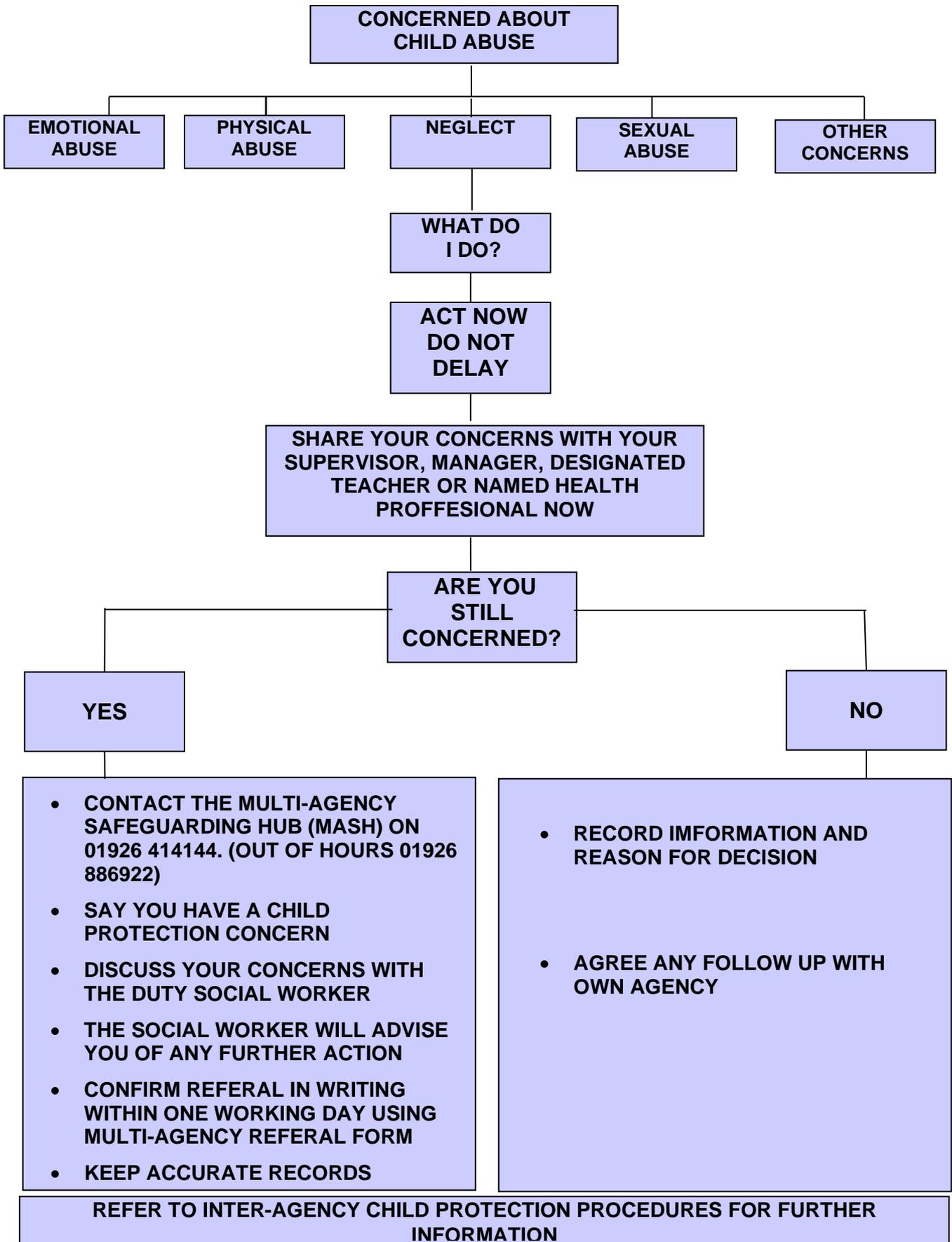
Name of child:		Age:
Relationship:	Print name:	
Signature:		Date:

RSC Nursery will take steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately, please contact: RSC Head of Nursery, Kate Robinson, or your local children's social care team to report these concerns.

Consent is for one calendar year as stated above; however you have the right to withdraw consent at any time by writing to: Kate Robinson Head of Nursery

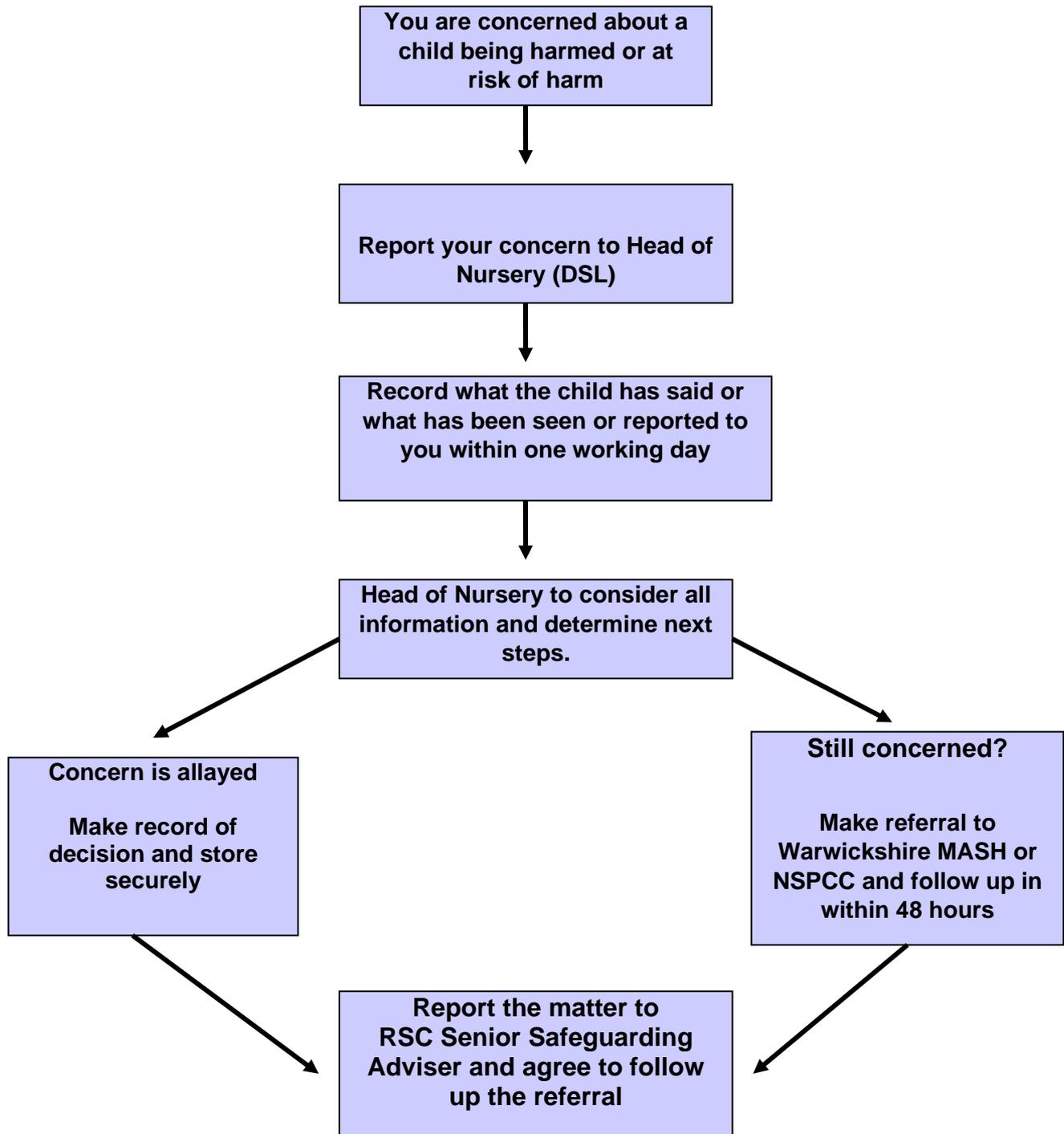
Please return this form to the RSC Nursery

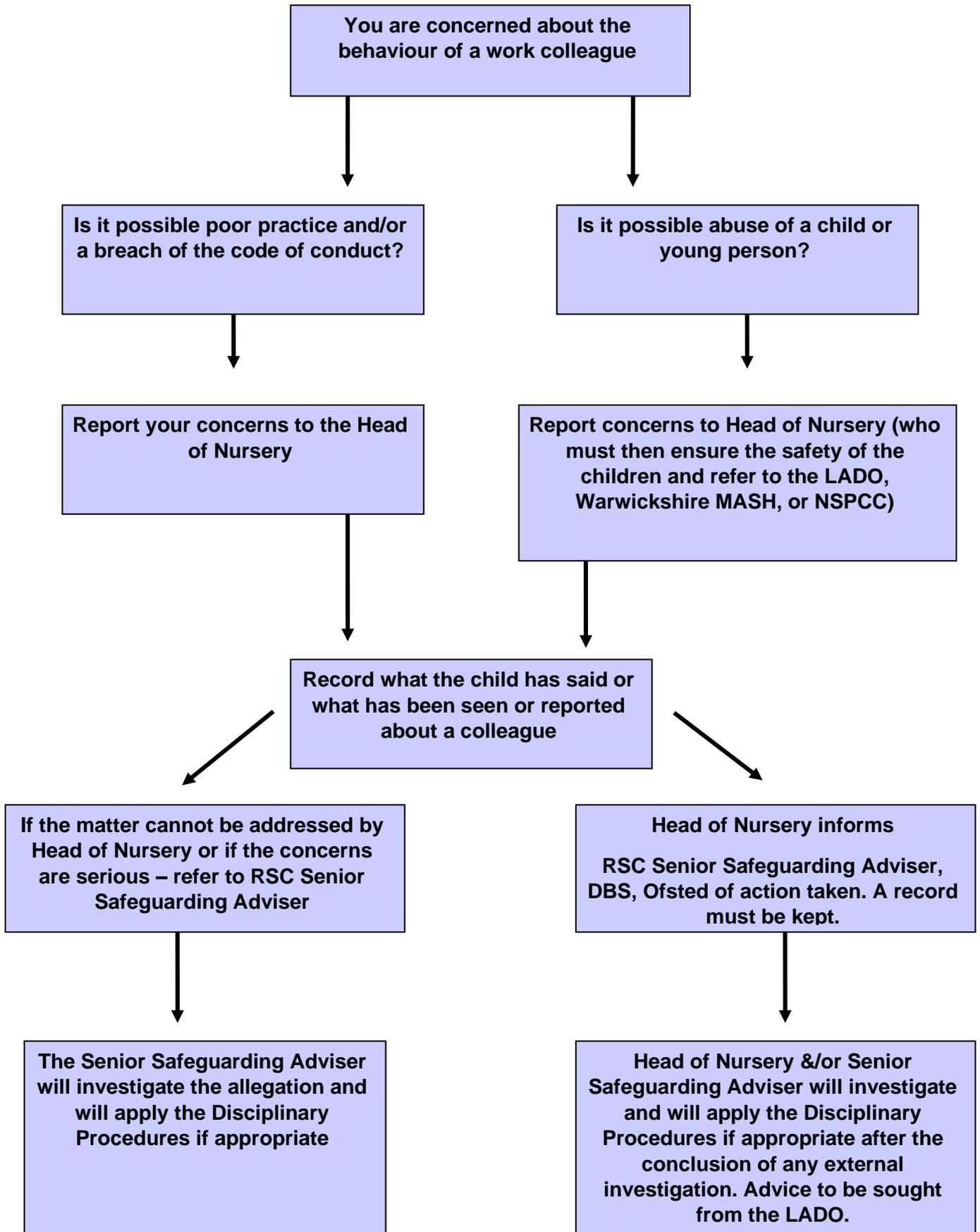
WARWICKSHIRE LOCAL SAFEGUARDING BOARD



Flowcharts of the Reporting Procedures

This quick guide is designed to advise on the most appropriate action to be taken if you suspect a child has been abused, serious poor practice or breach of the code of conduct.





Recognition of Abuse

We know we are not experts and the recognition of child abuse is not easy even for experts but if we have concerns we really need to do something about it. The following information should help you to be more alert to the signs of possible abuse.

Physical abuse

Most children will collect cuts and bruises in their daily life. These are likely to be in places where there are bony parts of their body, like elbows, knees and shins. Some children, however, will have bruising which can almost only have been caused non-accidentally. An important indicator of physical abuse is where bruises or injuries are unexplained or the explanation does not fit the injury or when it appears on parts of the body where accidental injuries are unlikely, e.g., on the cheeks or thighs. A delay in seeking medical treatment when it is obviously necessary is also a cause for concern. Bruising may be more or less noticeable on children with different skin tones or from different racial groups and specialist advice may need to be taken. Bruising patterns also depend on a child's mobility so, for example, bruising in babies should be a great cause for concern if they are not yet mobile.

The physical signs of abuse may include:

- any serious or unusual injury with an absent or unsuitable explanation
- cold injuries (e.g. swollen, red hands or feet) in a child with no medical explanation
- injuries to the mouth with an absent or unsuitable explanation
- unexplained bruising, marks or injuries on any part of the body
- bruises in the shape of a hand, ligature, stick, teeth mark, grip or an implement
- bruising or petechial (tiny red or purple spots) with an unsuitable explanation, including those:
 - in a child who is not independently mobile
 - that are multiple or in clusters
 - of similar shape and size
 - on non-bony parts of the face or body
 - on the neck that looks like attempted strangulation
 - on the ankles and wrists that looks like ligature marks
- burn or scald injuries on soft tissue areas not likely to come in contact with a hot object (e.g. back of hands, soles of feet, buttocks, back) or in the shape of an implement (e.g. cigarette or iron) or that suggest forced immersion (e.g. scalds to buttocks, perineum and lower limbs)
- bite marks (child, adult or animal)
- fractures i.e. broken bones
- retinal bleeding or injury to the eye in a child if there is no confirmed explanation of accidental trauma or medical explanation

Behaviour which can also indicate physical abuse:

- fear of parents being approached for an explanation
- aggressive behaviour or severe temper outbursts
- flinching when approached or touched
- reluctance to get changed, for example in hot weather
- depression
- withdrawn behaviour
- running away from home

Emotional abuse

Emotional abuse can be difficult to identify, and often children who appear well cared for may be emotionally abused by being taunted, put down or belittled. They may receive little or no love, affection or attention from their parents or carers or they may be seeing or hearing the ill-treatment of someone else. Emotional abuse can also take the form of children not being allowed to mix/play with other children and being isolated from others.

The physical signs of emotional abuse may include:

- a failure to thrive or grow, particularly if the child puts on weight in other circumstances e.g. in hospital or away from their parents' care
- developmental delay, either in terms of physical or emotional progress
- deliberate self-harming behaviours (e.g. cutting, scratching, picking, biting or tearing skin to cause injury, pulling out hair or eyelashes)

Behaviour which can also indicate emotional abuse include:

- neurotic behaviour e.g. sulking, hair twisting, body rocking
- fearful or withdrawn
- aggressive or oppositional behaviour
- indiscriminate contact or affection-seeking
- excessive clinginess
- failing to seek or accept comfort or affection from appropriate person when distressed
- repeated, extreme or sustained emotional responses shown by a child that are out of proportion to a situation and not expected for the child's age and developmental stage
- low self esteem
- running away from home
- fearful of parent being approached regarding their behaviour
- bedwetting or deliberate wetting in older children, or encopresis or repeated, deliberate smearing of faeces

Sexual abuse

Adults, who use children to meet their own sexual needs, abuse both girls and boys of all ages, including infants and toddlers. Although less common, women can sexually abuse children either in conjunction with a male partner or alone. Usually, in cases of sexual abuse it is the child's behaviour that may cause you to become concerned, although physical injuries or signs of neglect may also be present. In all cases, children who tell about sexual abuse do so because they want it to stop. It is important, therefore, that they are listened to and taken seriously.

The physical signs of sexual abuse may include:

- pain or itching in the genital area
- bruising or bleeding near genital area
- genital, anal or perianal injury
- sexually transmitted diseases
- vaginal discharge or infection
- stomach pains
- discomfort when walking or sitting down
- pregnancy

Behaviour which can also indicate sexual abuse includes:

- sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn
- fear of being left with a specific person or group of people
- having nightmares
- running away from home
- sexual knowledge which is beyond their age, or developmental level
- sexual drawings or language
- bedwetting
- eating problems such as overeating or anorexia
- self-harm or mutilation, sometimes leading to suicide attempts
- saying they have secrets they cannot tell anyone about
- substance or drug abuse
- suddenly having unexplained sources of money
- not allowed to have friends (particularly in adolescence)
- acting in a sexually explicit way towards adults

Neglect

Neglect is the persistent failure to meet the child's basic physical or psychological needs that is likely to result in the serious impairment of their health or development. This may or may not be deliberate. Neglect can be a difficult form of abuse to identify yet have some of the most lasting and damaging effects on children. Because adults have different views about parenting it can be difficult to establish if the threshold for neglect has been met.

The signs of neglect may include:

- constant hunger, sometimes stealing food from other children
- severe and persistent infestations (e.g. scabies or head lice)
- being persistently dirty and smelly
- faltering growth (failure to thrive) in a child because an adequate or appropriate diet is not being provided
- being consistently dressed in clothes or shoes that are inappropriate (e.g. for the weather or the child's size)
- parents/carers who do not give their child essential prescribed medication or repeatedly fail to take them to medical appointments that are necessary for health and well-being of the child
- animal bite on an inadequately supervised child
- child left in the care of someone who is unable to provide adequate care (e.g. a very young babysitter)
- home conditions which are unsafe for the child's developmental stage.

Behaviour which can also indicate neglect may include:

- complaining of being tired all the time
- having few friends
- mentioning their being left alone or unsupervised

These definitions and indicators are not meant to be definitive but only to serve as a guide to assist you. It is important too, to remember that many children will exhibit some of these indicators at some time, and that the presence of one or more should not necessarily be taken as proof that abuse is occurring. There may well be other reasons for changes in behaviour such as a death or the birth of a new baby in their family, relationship problems between their parents/carers etc.

The seven golden rules to sharing information¹⁴

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The General Data Protection Regulation (GDPR) and Data Protection Act 2018

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998. Practitioners must have due regard to the relevant data protection principles which allow them to share personal information. The GDPR and Data Protection Act 2018 place greater significance on organisations being transparent and accountable in relation to their use of data. All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information. The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe. To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
- information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

¹⁴ HM Government *Information Sharing: Guidance for practitioners providing safeguarding services to children, young people, parents and carers July 2018*