

The power of words

Jackie Hyde explains why maintaining and updating key documents is so important, and urges against the use of the shredder



- your safeguarding policy
- DBS (previously CRB) certificates
- HR records including application forms and references
- the child's pre-admission details, developmental records and care plans
- records of any incidents / near misses for that child.

While not an exhaustive list, this is typical of what you will be asked to produce. Other interested parties such as the regulatory body, your local authority designated officer (LADO), the police or the claimant's solicitors may also request copies.

It is also important to seek advice from insurers, who, in turn, can obtain legal guidance, as you may not always be obligated to release all the documents requested.

Looking for success

With the support of the above documentation, it is often possible to provide evidence of good working practices and successfully defend claims where the nursery is not deemed to have been negligent.

But please do remember to notify your insurers of any incident that may give rise to a claim as soon as possible in order to take advantage of the support they can provide. This is particularly important where there are safeguarding concerns, as most policies contain some provision for professional help in dealing with a range of parties that may become involved, including the media. ■

As our NMT safeguarding workshop was so well received, we are planning more across the country. To register your interest, contact the dot2dot team on 01204 570 390 or email info@dot2dot.org.uk

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Nurseries inevitably create a vast array of paperwork, while looking after the children in their care. So, completing the correct documentation is a necessary part of nursery life, both to comply with the sector's regulatory bodies and as good business practice. However, it also plays a pivotal role in the defence of allegations of negligence.

This was highlighted at our recent safeguarding workshop, which was set up to provide an insight into the insurance and legal processes that arise from safeguarding allegations. Helen Devery, a partner in the leading UK law firm BLM, who chaired the expert panel, stressed that documents are often the backbone of a defence, not only in a safeguarding case, but in response to allegations of negligence.

Keep those docs

Indeed, no matter how good your day-to-day practices are, a successful defence is difficult without the necessary supporting documentation, and there is a risk of a claim being pursued some years after the incident. For example, with incidents involving minors (which can also include staff under 18), a claim can still be made up to three years after their 18th birthday.

For more sensitive claims associated with child protection issues, this time gap can be significantly longer as we have seen

following Operation Yew Tree, the police investigation into Jimmy Saville and others.

25 years minimum

With this in mind, it is very important to store documents securely and to keep copies electronically as well as on paper for as long as possible - 25 years is the minimum period recommended by most insurers.

The key documents requested as part of any investigation by insurers are:

- the incident report
- staff statements
- the RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) report, where applicable
- photos of the area or equipment
- CCTV footage if available – do not destroy this, as it is often invaluable
- the relevant risk assessment
- your health and safety policy
- staff training records
- staff and child registers to support ratios
- your child development tracker
- copies of any correspondence from the regulatory body and the Health and Safety Executive (HSE).

In the case of safeguarding allegations, you may also need to supply: