

Child Safeguarding

BLM

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Introduction

This briefing is intended to highlight and identify practical steps and measures to minimise the risks to children, staff and the nursery as a whole with regards to child safeguarding issues and in particular the risks in relation to 1:1 contact between staff and children.

The primary aim of child safeguarding is to protect children from physical and sexual abuse, neglect and harming themselves. However, having effective policies and procedures in place will also protect staff as well as the nursery as a whole.

Allegations of child abuse, even when unproven can be extremely damaging. The nursery may suffer from adverse publicity with a resultant loss of reputation and business. For an employee accused of physical and/or sexual abuse the effects can be equally as damaging even when the allegations are proven to be false. Details of the police investigation can be recorded on the employees Disclosure and Barring Service (DBS) record which may have a profound effect on their future employment prospects.

An independent inquiry into child sexual abuse (IICSA) chaired by Professor Alexis Jay is currently examining the extent to which, public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse in England and Wales.

What is abuse?

The charity Kidscape defines sexual abuse as 'any sexual exploitation of a child under 16 for the sexual pleasure or profit of an adult or much older person'. Sexual abuse includes masturbating a child, or the child masturbating the adult, touching of the genitals, taking obscene photographs of children, oral sexual contact and penetration of the child's vagina or anus.

The NSPCC defines physical abuse as 'hitting, shaking, kicking, punching, scalding, suffocating and other ways of inflicting pain or injury to a child'. Force feeding a child would be a form of physical abuse. Neglecting a child's needs such as failing to change a nappy would represent a form of abuse.

Whilst sexual abuse often dominates the newspaper headlines in practice physical abuse and neglect are more commonplace.

How to identify abuse

A child's behaviour may change. Signs to be aware of include the following:

- Nightmares / Increased bedwetting.
- Becoming overly clingy or withdrawn.
- Bad tempered/irritable.
- Regression to younger behaviour such as thumb sucking or playing with comfort toys.

- Re-enacting of sexual abuse on objects or with other children or adults.
- Injuries suggestive of a non-accidental origin such as bruising in unusual areas or certain fractures.
- Unexplained injuries such as bites, scalds and burns.

Staff training should enable staff to identify signs of abuse occurring either at home or within the nursery at an early stage potentially limiting the detrimental effects of the abuse and also limiting any criticisms of the nursery.

Measures to reduce the number of allegations a nursery may face

Webcams/CCTV

Following the Vanessa George case many nurseries have installed CCTV and/or webcams. CCTV offers security for staff as footage can help avoid misunderstandings and false accusations by providing vital evidence that protects the nursery and staff from any unfair accusations. It can also help management to determine how an accident or incident has occurred. In a recent example a child was captured on CCTV leaving the nursery via three sets of swipe card security doors. The footage revealed that the child had 'tailgated' a set of parents who were busy talking and had failed to notice the child.

Nursery webcams are marketed as 'peace of mind for parents'. They allow parents to 'drop into' the nursery anytime via the internet. The advantages are that it helps to reassure parents that their child is safe and being looked after.

CCTV / webcams can also provide a role in staff training. For example nurseries with different branches can use footage of good practice to boost standards across the organisation. If, for example, there is one particularly talented member of staff who has a special way of dealing with situations, it can be shown to other teams.

If webcams are installed it is important that the images can only be accessed by parents using a secure password – but only on days when their children are in nursery. Viewing time can be limited to avoid the risk of the webcam being accidentally left on.

Concerns remain that a parent who is an abuser will be able to see all the children in their child's own room. There is also the danger of misuse by a parent – the nursery effectively loses control over who can access the images.

Additionally nursery staff may feel uncomfortable being watched. Parents may feel unhappy about their child's loss of privacy. Certain parents may not wish other parents to be able to 'watch' their child at nursery.

Another potential drawback is the cost of implementing this system which is currently in the region of £5,000 - £7,500 depending on the size of the nursery and number of cameras installed.

There are also legal considerations. The footage processed by the webcam will be sensitive personal data under the Data Protection Act and the consent of all of employees and parents of the children involved will have to be obtained in order to make the processing legitimate.

Recruitment

A screening policy should be adopted by the nursery for the selection of employees and volunteer applicants wishing to participate in activities involving children.

The policy should include the following:

- An application form for all volunteers and paid staff should be developed. This form should include questions in relation to the individual's previous work with children.
- At least two references should be provided from persons of good standing and should be properly checked / reviewed.
- Preferably a candidate will live in the community for at least one year and provide references that they are a person of good standing in the community..
- All candidates should be interviewed. Research shows that it may be possible to identify a potential child abuser. For example questions about how an applicant would deal with a child who had been abused and was sexually precocious may elicit a telling response.
- Individuals who do not appear interested in adult friendship or spending time with adults, or who talk about the children in their charge in an over-familiar way, should be regarded warily.
- Background records should be checked and documented. An Enhanced DBS disclosure check should be carried out. The person must not be left alone with children or do any intimate duties such as toileting / nappy changing until such clearance has been received.
- All appointments shall be subject to a probationary period and will not be confirmed unless the nursery is confident that the applicant can be safely entrusted with the children.
- All staff should receive initial child safeguarding training and refresher training at regular intervals. Staff should be able to recognise the signs and symptoms of possible physical abuse, emotional abuse, sexual abuse and neglect.

Disclosure and Barring Service

The Protection of Freedoms Act 2012 was passed in May 2012. As result:

- The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) were merged and become the DBS. The DBS has been in operation since December 2012.
- DBS certificates are now provided to the subject of the check (rather than to employers). This provides job applicants the opportunity to check for and dispute any inaccuracies before disclosing the certificate to a prospective employer; and
- DBS certificates are now continuously updated and transferable between roles/employers.

A law commission report completed in February 2017 recommended a review of the disclosure system and in particular the 'filtering' by the police of older offences. The report noted that there is often uncertainty for individuals about what will be disclosed on a criminal record certificate.

Security checks

Andrew Smith – an example of why thorough checks are required

The case of Andrew Smith who was employed as a chef at a private nursery in West Norwood, South London, despite being a registered sex offender highlighted the need for thorough security checks.

Smith was caught by police in 2008 trying to lure a girl of 13 to meet him. His capture was filmed and shown on ITV1's 'How To Catch A Paedophile' programme.

Smith was jailed for 12 months but after being released early, he signed up with a recruitment agency and got a job working in the kitchens of Norwood Manor Day Nursery. His secret was only revealed after a member of nursery staff watched the ITV programme and recognised him.

The Education Trust, which runs the nursery, said no checks had been carried out as Smith was recruited using an employment agency. However, as Smith was seeking employment in the hospitality industry he was not CRB checked by the employment agency.

The nursery should ensure that checks have been carried out before taking on any new member of staff. They cannot rely on others to do this for them. It does not matter in what capacity they are employed.

Had DBS been in place at the time it would not necessarily have made a difference on the facts of the Smith case as the failure of the nursery was to ensure that any checks had been carried out.

DBS will make a difference where an individual has not been convicted on any offences but has been the subject of relevant police interest / investigation. CRB checks would not have revealed such concerns.

Supervision of children

In practical terms the need for two adults to accompany a child to the bathroom is unfeasible. If an adult enters the bathroom to assist a child they should leave the cubicle door open if possible.

In a nursery setting, where possible there should be two or more adults present in the room when changing children's clothing.

Nurseries should operate an open door policy within the nursery wherever possible. This reduces the scope for opportunities for abuse to arise as staff will be clear that they should not be alone with a child with the door closed.

Visitors/volunteers

A nursery manager will need to organise close supervision for any students or temporary visitors (including parents or siblings) entering nursery premises.

Volunteers will not be day to day staff in a nursery context but may, for example, be parents accompanying their children on a visit outside of the nursery. From a legal claim perspective a nursery must be aware that they may be liable for any negligent actions by a volunteer.

Stranger awareness

Staff should be constantly alert to any strangers on the premises. They should not let anyone into the nursery who is not authorised to be there.

Staff should never release a child to anybody other than the parent/guardian or designated person such as nanny or childminder unless a permission form is signed.

Coded doors are of benefit in controlling who is able to enter a nursery.

Parents have a responsibility to inform staff if anyone other than themselves is collecting their child for whatever reason and the nursery should check if there is any uncertainty.

Use of mobile phones

The use of mobile phones within a nursery setting was brought into question by the Vanessa George case. Vanessa George was the Plymouth nursery worker who abused children and took camera phone images to send to friends on Facebook.

Since this case hit the headlines there have been calls for mobile phones to be banned from nurseries. Indeed nursery staff union Voice has called for a no mobiles rule in nurseries.

To ban mobile phones and other electronic devices completely may be a step too far as it automatically treats staff with suspicion. A sensible solution adopted by many nurseries is to insist that mobile phones are kept in staff lockers during work hours. This has the added advantage of ensuring that staff are not distracted by their phones whilst supervising young children.

The banning of mobile phones is, in reality, unlikely to deter a determined offender. Somebody devious enough to abuse a series of children during work hours, without others seeing, would be devious enough to conceal their camera phone from view, which requires only putting it in a pocket.

Coupling a ban on mobile phones with the use of CCTV footage and webcams may be more effective. However, CCTV cameras cannot cover every corner of the nursery and for many parents this is not the kind of environment they wish their children to be brought up in.

The use of technology should not detract from the need for robust and focused systems and procedures.

Whistleblowing policy

Whistleblowing is the disclosure by an employee about malpractice in the workplace. This would include concerns that another employee was physically, sexually or emotionally abusing a child.

All nurseries should have a whistleblowing policy. Staff must feel able to raise concerns about potential abuse within the nursery setting.

To create a successful whistleblowing policy a nursery should:

- Create an atmosphere and open door policy where staff can feel comfortable coming forward to talk.

- Ensure that staff understand whistleblowing and their obligations.
- Explain to staff that all conversations will be in private and confidential, but will be documented.
- Ensure staff understand that there should not be any reason for concern or backlash against them for such whistleblowing.

Ofsted set up its own Whistleblowing hotline in April 2009 where an employee feels unable to speak to their manager. The aim of the hotline is to enable employees to report dangerous or illegal activity, or systemic failure, rather than individual grievances.

A 2011 case involving Little Stars nursery in Birmingham highlighted the need for a nursery to have a policy in place. Nursery employee Paul Wilson pleaded guilty to 47 offences including rape as well as possessing and distributing indecent images.

Following an Ofsted inspection in March 2010 the nursery was given ten actions for improvement which included implementing an effective whistleblowing policy. There had been concerns raised by staff regarding Wilson's behaviour yet no formal policy or procedure was in place for complaints to be investigated.

Educate children

Children must know that it is ok to say no if anyone tries to harm them.

Children must be reassured that they will not be punished if they say they feel unsafe or threatened in any way by any person (including family members).

Children must also have trust in staff that they will be believed. Young children very rarely lie about sexual abuse and if they are not believed the abuse may continue for years. Children should also be taught not to keep secrets.

Safe procedures

Having written procedures will help the nursery provide consistent levels of care even with changing staff. Areas that should be covered by policy documentation include:

- **Registration of children** – on their first visit to the nursery, parents should fill out a form listing their name, address, and important contact information.
- **Risk assessments** – in addition to the risk of accidents occurring a nursery should consider risk assessments dealing with abuse and how to minimise the risk - for example open door policies and staff training and supervision.
- **Named child protection officer** – normally the manager this person will be familiar with the correct procedures to follow in the event of an allegation arising. If any member of staff suspects that a child in their class may be the victim of abuse they should immediately report their concerns.
- **Written procedure for reporting child abuse** – documents may include body maps on which any marks can be noted, dates of confidences or observations, parents' comments, names of professionals contacted about concerns and dates of contact.

Steps to take in the event of an allegation of abuse arising

Any allegation against a member of staff must be taken seriously and fully investigated by the nursery.

The nursery must notify the Local Authority Designated Officer (LADO) for safeguarding immediately and Ofsted within 14 days. The LADO will be able to advise on whether the police should be informed. If in any doubt the police should be notified of the allegations. The authorities will then convene a strategy meeting at the earliest possible opportunity to consider the allegations and any action required.

Where an allegation of neglect or physical or sexual abuse arises a nursery should immediately notify their insurance company.

In order to safeguard the children and themselves the member of staff who has had the allegation made against them should be suspended (on full pay) immediately pending investigation.

If possible the member of staff concerned should not be informed of the allegations – aside from being told that an allegation has been made against them as this may prejudice the potential police investigation. It is important that the nursery keeps a written record of the allegations and conversations with all parties involved. This documentation will include dates, times, locations and names of potential witnesses.

Even if unfounded, the parents of the child concerned must be made fully aware of the allegations. However, the identity of the member of staff involved should not be given until specific legal advice has been obtained. In the event of enquiries being made by other parents, they should be told only that an allegation of misconduct has been made against a member of staff and that it is being investigated.

In most cases no action should be taken (other than suspension on pay) whilst a police investigation or court case is ongoing. Where ultimately a member of staff is dismissed from the nursery or internally disciplined because of misconduct relating to a child Ofsted should be informed.

Summary – it is impossible to eliminate risk completely

Even with DBS screening and other measures in place it will be impossible to completely eliminate the risk of abuse occurring.

The Vanessa George case is a prime example of this. An Ofsted inspection had given her nursery 'good' ratings in all areas, including 'protecting children from harm or neglect'. George herself was vetted and had passed all the tests. Background checks on staff will not spot those who have never abused before or have been found out.

Sexual predators will identify weak organisations where they can get easy access to vulnerable children without risk of detection. However, rigorous and well applied systems and procedures in place will act as a deterrent and may reduce the risk of physical and sexual abuse of children.

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