



Chelsea Open Air Nursery School  
**Child Protection and Safeguarding**

The policy above will be monitored and evaluated following the policy cycle at  
Chelsea Open Air

Date of establishment: 2003

Date of Last Review: 2020

Date of next Review: 2021

Signed on behalf of Chelsea Open Air Nursery School: \_\_\_\_\_

Signed on behalf of the Governing Body: \_\_\_\_\_

## CHELSEA OPEN AIR NURSERY SCHOOL

### Child Protection & Safeguarding Policy and Procedures

(This policy should be read in conjunction with our policies for; Attendance, Behaviour Management, Health and Safety, Mobile Phones, Uncollected Child and Wise Before the Event)

#### The Purpose of this Policy

As part of our role in caring for children within the learning environment we all as staff, governors and volunteers working in COA must establish a safe environment in which children can learn and develop. We all have a part to play in raising awareness of child protection and safeguarding issues including the development and implementation of policy and procedures for identifying and reporting cases, as well as ensuring the prevention of abuse: through the curriculum as well as in partnership with other agencies.

#### We Aim:

1. To protect children from harm and prevent the impairment of children's health or development
2. To support children's development in ways that will foster security, confidence and independence
3. To ensure that there is a structured procedure within the School for dealing with cases of suspected abuse and that all staff fully understand this procedure
4. To ensure that all staff, governors and volunteers are aware of their responsibility to report possible cases of abuse, including inappropriate behaviour by other staff members or any other person working with the children
5. To provide a systematic means of monitoring children known or thought to be at risk of harm
6. To develop and promote effective relationships with other agencies, especially the Police and Social Services.
7. To ensure that all adults within the School who have access to children have current up-to-date enhanced DBS checks

#### Key Personnel

- **Designated Safeguarding Lead (DSL):**  
Talia Robinson (Head Teacher) [Talia.Robinson@coans.rbkc.sch.uk](mailto:Talia.Robinson@coans.rbkc.sch.uk)
- **Deputy Designated Safeguarding Lead:**  
Alexandra Kelly (Deputy Head Teacher) [Alex.Kelly@coans.rbkc.sch.uk](mailto:Alex.Kelly@coans.rbkc.sch.uk)
- **Nominated Child Protection & Safeguarding Governor:**  
Clare Fry- please contact the School Office for contact details
- **Bi Borough Safeguarding in Schools and Education Settings Lead:**  
Di Donaldson Telephone: 020 7598 4876  
Direct Line:  
Email: [di.donaldson@rbkc.gov.uk](mailto:di.donaldson@rbkc.gov.uk)
- **LADO (Local Authority Designated Officer):**  
Sharon Ackbersingh Telephone: 07714 845 702  
Email: [Sharon.ackbersingh@rbkc.gov.uk](mailto:Sharon.ackbersingh@rbkc.gov.uk)  
Kensington and Chelsea: 020 7361 3013 / [KCLADO.Enquiries@rbkc.gov.uk](mailto:KCLADO.Enquiries@rbkc.gov.uk)

### Legislation and Statutory Guidance

This policy is based on the Department for Education's statutory guidance [Keeping Children Safe in Education \(2020\)](#) and [Working Together to Safeguard Children \(2018\)](#), and the [Governance Handbook](#). We comply with this guidance and the arrangements agreed and published by our 3 local safeguarding partners.

This policy is also based on the following legislation:

- Section 175 of the [Education Act 2002](#), which places a duty on schools and local authorities to safeguard and promote the welfare of pupils
- [The School Staffing \(England\) Regulations 2009](#), which set out what must be recorded on the single central record and the requirement for at least one person on a school interview/appointment panel to be trained in safer recruitment techniques
- [The Children Act 1989](#) (and [2004 amendment](#)), which provides a framework for the care and protection of children
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the [Serious Crime Act 2015](#), which places a statutory duty on teachers to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18
- [Statutory guidance on FGM](#), which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM
- [The Rehabilitation of Offenders Act 1974](#), which outlines when people with criminal convictions can work with children
- Schedule 4 of the [Safeguarding Vulnerable Groups Act 2006](#), which defines what 'regulated activity' is in relation to children
- Statutory [guidance on the Prevent duty](#), which explains schools' duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism
- The [Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#) (referred to in this policy as the "2018 Childcare Disqualification Regulations") and [Childcare Act 2006](#), which set out who is disqualified from working with children
- This policy also meets requirements relating to safeguarding and welfare in the [statutory framework for the Early Years Foundation Stage](#).

## What is Child Protection & Safeguarding?

Safeguarding and promoting the welfare of children means:

- Protecting children from maltreatment and harm
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

**Child protection** is part of this definition and refers to activities undertaken to prevent children suffering, or being likely to suffer, significant harm.

**Abuse** is a form of maltreatment of a child, and may involve inflicting harm or failing to act to prevent harm.

**Neglect** is a form of abuse and 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.

**Children** includes everyone under the age of 18.

## Vulnerable Children

Some children have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing it. We are committed to anti-discriminatory practice and recognise children's diverse circumstances. We ensure that all children have the same protection, regardless of any barriers they may face.

We give special consideration to children who:

- Have special educational needs or disabilities
- Are young carers
- May experience discrimination due to their race, ethnicity, religion, gender identification or sexuality
- Have English as an additional language
- Are known to be living in difficult situations - for example, temporary accommodation or where there are issues such as substance abuse or domestic violence
- Are at risk of FGM, sexual exploitation, forced marriage, or radicalisation
- Are asylum seekers

## Roles and Responsibilities

Safeguarding and child protection is **everyone's** responsibility. This policy applies to all staff, volunteers and governors in the school and is consistent with the procedures of The Royal Borough of Kensington & Chelsea Safeguarding Children Board. Our policy and procedures also apply to extended school and off-site activities.

### All Staff

All staff will:

- Read and sign to say they have understood part 1 of the Department for Education's statutory safeguarding guidance, Keeping Children Safe in Education and the School's Child Protection and Safeguarding Policy and review this guidance at least annually.
- Receive annual training from the RBKC Education Welfare Officer in child protection and safeguarding.
- Complete appropriate paperwork for DBS and other checks
- Complete a 'Barring by Association' form
- Notify the SMT of any relevant information or changes in circumstances

All staff will be aware of:

- Our systems which support safeguarding and the role of the designated safeguarding lead (DSL)
- The early help process (sometimes known as the common assessment framework) and their role in it, including identifying emerging problems, liaising with the DSL, and sharing information with other professionals to support early identification and assessment
- The process for making referrals to local authority children's social care and for statutory assessments that may follow a referral, including the role they might be expected to play
- What to do if they identify a safeguarding issue or a child tells them they are being abused or neglected, including specific issues such as FGM, and how to maintain an appropriate level of confidentiality while liaising with relevant professionals
- The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child sexual exploitation (CSE), FGM and radicalisation

### The Designated Safeguarding Lead (DSL)

Our DSL is **Talia Robinson**. The DSL takes lead responsibility for child protection and wider safeguarding.

When the DSL is absent, the Deputy Headteacher **Alexandra Kelly** will act as Deputy Safeguarding Lead.

If the DSL and Deputy are unavailable, **Olivia Phillips** will act as DSL.

The DSL will be given the time, funding, training, resources and support to:

- Provide advice and support to other staff on child welfare and child protection matters
- Take part in strategy discussions and inter-agency meetings and/or support other staff to do so
- Contribute to the assessment of children
- Refer suspected cases, as appropriate, to the relevant body (local authority children's social care, Channel programme, Disclosure and Barring Service, and/or police), and support staff who make such referrals directly
- Keep secure written records of concerns about children in a locked location, even when there is no need to refer the matter immediately.

The acting DSL will also keep the Head Teacher informed of any issues if required, and liaise with local authority case managers and designated officers for child protection concerns as appropriate.

### **The Governing Body**

The Governing Body will approve this policy at each review, and hold the Head Teacher to account for its implementation.

The Governing Body will appoint a link governor to monitor the effectiveness of this policy in conjunction with the full Governing Body and to monitor any Safeguarding issues within the School.

The chair of governors will act as the 'case manager' in the event that an allegation of abuse is made against the Head Teacher, where appropriate.

### **The Head Teacher**

The Head Teacher is responsible for the implementation of this policy, including:

- Ensuring that staff (including temporary staff) and volunteers are informed of this policy as part of their induction
- Communicating this policy to parents when their child joins the school and via the school website
- Ensuring that the DSL has appropriate time, funding, training and resources, and that there is always adequate cover if the DSL is absent
- Ensuring that all staff undertake appropriate safeguarding and child protection training and update this regularly
- Acting as the 'case manager' in the event of an allegation of abuse made against another member of staff or volunteer, where appropriate
- Ensuring the relevant staffing ratios are met, where applicable
- Making sure each child in the Early Years Foundation Stage is assigned a Key Worker
- Ensuring Safer Recruitment practices and procedures are always followed.

## Types of Abuse

Abuse, including neglect, and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap.

**Physical abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional abuse** is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Emotional abuse may involve:

- Conveying to a child 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 a 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
- Serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children

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

- Physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing
- 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.

### **Child Sexual Exploitation (CSE) & Child Criminal Exploitation (CCE)**

Both CSE and CCE occur where a power imbalance is used to coerce, manipulate or deceive a child into sexual or criminal activity.

**Neglect** is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Ensure access to appropriate medical care or treatment
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

**Female Genital Mutilation (FGM)** is a collective term for a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons. It is sometimes referred to as female circumcision, or female genital cutting. The practice is medically unnecessary, is extremely painful and has serious health consequences, both at the time when the mutilation is carried out, and in later life. FGM has been classified by the World Health Organization (WHO) into four major types, all of which may be relevant to the offences arising under the FGM Act 2003:

- Type I: Clitoridectomy: partial or total removal of the clitoris;
- Type II: Excision: partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;
- Type III: Infibulation: narrowing of the vaginal opening through the creation of a covering seal;
- Type IV: Other: all other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping and cauterizing the genital area.

**Extremism/The Prevent Strategy** has five key strands aimed at addressing these causal factors and in support of the overall aim of stopping people becoming or supporting terrorists or violent extremists:

- Challenging the violent extremist ideology and supporting mainstream voices;
- Disrupting those who promote violent extremism and supporting the institutions where they are active;
- Supporting individuals who are being targeted and recruited to the cause of violent extremism;
- Increasing the resilience of communities to violent extremism; and addressing the grievances that ideologues are exploiting.
- These are supported by two cross-cutting work streams which are key enabling functions in delivering the strategy:
- Developing understanding, analysis and information; and
- Strategic communications.

The Prevent strategy requires a specific response, but we must also make the most of the links with wider community work to reduce inequalities, tackle racism and other forms of extremism (eg extreme far right), build cohesion and empower communities. For example, reducing inequalities undermines the narrative pushed by Al-Qaida and by promoters of violent extremism, which relies on encouraging a sense of victimhood. Likewise, it is recognised that the arguments of violent extremists, which rely on creating a 'them' and an 'us', are less likely to find traction in cohesive communities.

### **Peer on Peer Abuse**

All staff should be aware that safeguarding issues can manifest themselves via peer-on-peer abuse, according to paragraph 42 of the statutory safeguarding guidance *Keeping Children Safe in Education*, published by the Department for Education (DfE). Peer on peer abuse occurs when a young person is harmed in some way by other children of a similar age. This is most likely to include, but not limited to, bullying (including cyber-bullying), gender-based, violence/sexual assaults and sexting. It is important to remember that peer on peer abuse is often harmful to both victim and perpetrator.

While bullying between children is not a separate category of abuse and neglect, it is a very serious issue that can cause considerable anxiety and distress. All incidences of bullying should be reported and will be managed through our behaviour procedures.

Incidents of Peer on peer abuse will be dealt with on a case by case basis, always adhering to our Behaviour Management and Child Protection & Safeguarding policies.

### **Sexual Exploitation of Children**

Sexual exploitation involves an individual or group of adults taking advantage of the vulnerability of an individual or groups of children or young people. Victims can be boys or girls. Children and young people are often unwittingly drawn into sexual exploitation through the offer of friendship and care, gifts, drugs, alcohol and sometimes accommodation. 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. The school teaches children about consent and the risks of sexual exploitation in the PSHE and SRE curriculum. A common feature of sexual exploitation is that the child often does not recognise the coercive nature of the relationship and does not see her/himself as a victim. The child may initially resent what she/he perceives as interference by staff but staff must act on their concerns, as they would for any other type of abuse. All staff are made aware of the indicators of sexual exploitation of children and all concerns are reported immediately to the DSL. The DSL will consider the need to make a referral to Children's Social Care via the MASH as with any other child protection concern and with particular reference to WSCB Child Sexual Exploitation procedures. Parents will be consulted and notified as appropriate.

## Confidentiality

All staff, governors and other adults with access to information regarding children will be made aware of the need for confidentiality and agree to maintain confidentiality as required and appropriate. It is important to remember that:

- Timely information sharing is essential to effective safeguarding
- The Data Protection Act (DPA) 2018 and GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe
- Information must be shared on a 'need-to-know' basis, but you do not need consent to share information if a child is suffering, or at risk of, serious harm
- Staff should never promise a child that they will not tell anyone about an allegation, as this may not be in the child's best interests

## Procedures

Staff, volunteers and governors must follow the procedures set out below in the event of a safeguarding issue.

At the point of referral where there is concern about a child there should be -

- Interagency (IA) discussion/consultation
- IA consideration of an assessment of risk and of need
- Consideration of the need for an IA meeting
- IA consideration of the need for a written agreement/child protection plan
- IA review meetings
- A written record of the outcome of any of the above stages
- If a professional is concerned that appropriate action is not being taken by another agency, that professional should consider convening an interagency meeting.

**If a child is in immediate danger-** Make a referral to children's social care and/or the police **immediately**. **Anyone can make a referral**. Tell the DSL as soon as possible if you make a referral directly.

**Reporting a Concern-** Any concerns staff may have regarding the well-being of a child should be recorded on the '**Safeguarding: Reporting a Safeguarding Concern**' Form.

These are kept in the School Office. **Once completed they need to be handed to the DSL.** The DSL will then ask any relevant questions and will assess what next steps, if any, to take. The forms will be stored in a secure location and situations monitored accordingly.

**What to do in the case of a disclosure-** If a child discloses something which makes you concerned that he or she may be subject to abuse remember to:

1. **Listen** to what is being said, without a display of emotion.
2. **Accept** what is said and take brief notes if you can do so without making it difficult for the child to talk.
3. **Reassure** the child, but only as far as is honest and reliable. For example, don't make promises you may not be able to keep, like, "I'll stay with you" or "Everything will be all right now"
  - Don't promise confidentiality, you have a duty to refer
  - Do reassure and alleviate guilt, if the child refers to it. For example, you could say "You're not alone" or "You're not to blame".
4. **React** to the child only as far as is necessary for you to establish whether or not you need to refer the matter, but don't interrogate for full details.
  - Do not ask leading questions but open ones such as "Anything else to tell me?"
  - Do not criticise the perpetrator: the child may love him/her, while wanting the abuse to stop
  - Do not ask the child to repeat their disclosure for a colleague
  - Explain what you have to do next and who you have to talk to
  - Try to keep in contact with the child
5. **Record-Using the 'Safeguarding: Reporting a Concern' Form**
  - If possible, make brief notes at the time and write them up as soon as possible
  - Do not destroy your original notes in case they are required by a court
  - Record the date, time, place, any noticeable non-verbal behaviour and the words used by the child including "pet" words
  - Draw a diagram to indicate the position of any marks (if visible)
  - Record statements and observable things, rather than your "interpretations" or assumptions.

## 6. Remember

Follow these child protection procedures and consult with the designated staff member as soon as possible

## 7. Relax

Try to remain as calm as possible, particularly with the child and maintain appropriate confidentiality

**If you discover that FGM has taken place or a pupil is at risk of FGM-** Any teacher who discovers that an act of FGM appears to have been carried out on a pupil under 18 must immediately report this to the police, personally. This is a statutory duty, and teachers will face disciplinary sanctions for failing to meet it.

The duty above does not apply in cases where a pupil is *at risk* of FGM or FGM is suspected but is not known to have been carried out. Staff should not examine pupils.

Any other member of staff who discovers that an act of FGM appears to have been carried out on a pupil under 18 must speak to the DSL and follow our local safeguarding procedures.

Any member of staff who suspects a pupil is *at risk* of FGM must speak to the DSL and follow our local safeguarding procedures.

**Early Help-** If early help is appropriate, the DSL will support you in liaising with other agencies and setting up an inter-agency assessment as appropriate. The DSL will keep the case under constant review and the school will consider a referral to local authority children's social care if the situation does not seem to be improving. Timelines of interventions will be monitored and reviewed.

**Referral-** If it is appropriate to refer the case to the Local Authority Children's Social Care or the Police, the DSL will make the referral or support you to do so. The DSL will also be aware of the guidance 'National Police Chief's Council' (NPPC)- when to Call the Police'

*If you make a referral directly you must tell the DSL as soon as possible.*

The local authority will make a decision within 1 working day of a referral about what course of action to take and will let the person who made the referral know the outcome. The DSL or person who made the referral must follow up with the local authority if this information is not made available, and ensure outcomes are properly recorded. If the child's situation does not seem to be improving after the referral, the DSL or person who made the referral must contact the local authority and make sure the case is reconsidered to ensure the concerns have been addressed and the child's situation improves.

**If you have concerns about extremism** - If a child is not at immediate risk of harm, where possible, speak to the DSL first to agree a course of action. Alternatively, make a referral to the Local Authority Children's Social Care directly if appropriate.

Where there is a concern, the DSL will consider the level of risk and decide which agency to make a referral to. This could include [Channel](https://www.gov.uk/government/publications/channel-guidance) (<https://www.gov.uk/government/publications/channel-guidance>), the government's programme for identifying and supporting individuals at risk of being drawn into terrorism, or the Local Authority Children's Social Care team.

The Department for Education also has a dedicated telephone helpline, 020 7340 7264, that school staff and governors can call to raise concerns about extremism with respect to a pupil. You can also email [counter.extremism@education.gov.uk](mailto:counter.extremism@education.gov.uk). Note that this is not for use in emergency situations.

In an emergency, call 999 or the confidential anti-terrorist hotline on 0800 789 321 if you:

- Think someone is in immediate danger
- Think someone may be planning to travel to join an extremist group
- See or hear something that may be terrorist-related

**Allegations Against School Staff-** If pupils make such an allegation against a member of staff (including supply staff), LSCB Procedures must be followed. This involves contacting the LADO (Local Authority Designated Officer). This is important for the protection of the member of staff as well as the child.

In the case of suspected or identified abuse of a child by a Head Teacher, the police and/or social care have a duty to investigate. National guidelines have been produced and the first person to receive an allegation regarding a Head Teacher should take it directly to the DSL (if this is not the Head teacher) and through them to the Chair of Governors/Nominated Governor. Governing Bodies should have a nominated governor. At this stage, after hearing a child's allegation, no discussion should be initiated by school staff with the Head Teacher.

N.B. If suspicions concern the conduct of the Head teacher/DSL then the member of staff must report directly to the office of the Executive Director of Family and Children's Services. See Whistle Blowing Policy.

**If a pupil makes an allegation of abuse against another pupil-** You must tell the DSL and record the allegation, but do not investigate it

- The DSL will contact the local authority children's social care team and follow its advice, as well as the police if the allegation involves a potential criminal offence
- The DSL will put a risk assessment and support plan into place for all children involved - both the victim(s) and the child(ren) against whom the allegation has been made - with a named person they can talk to if needed
- The DSL will contact the children and adolescent mental health services (CAMHS), if appropriate

## **E-Safety**

Children at COANS do not access the internet without direct adult supervision.

**Absences-** If a child is absent without explanation the child's family will be called to find out the reason for the absence.

Regular absence from school may indicate that the family is having some sort of difficulty. The Head teacher will try to find out the cause and will offer support where necessary by linking the family with appropriate statutory agencies. The staff will always try and find out the reason for any prolonged unexplained absences.

The Head teacher will keep social services informed of any absences relating to pupils who are the subject of a child protection plan.

**Wider Context**-As a staff team we are aware that factors within the local community may impact on a child's wellbeing and put them at risk of harm. We are aware of factors such as violent crime and county lines which may affect children's families and therefore children themselves. We would respond to concerns following our procedures for all safeguarding concerns.

### **Safer Recruitment**

The Senior Management Team and at least one member of the governing body will be trained in safer recruitment procedures and will oversee all staff appointments, ensuring that the following safeguards are applied:

- We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

### **Appointing new staff**

When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will not keep a copy of this for longer than 6 months
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, and criminal records checks or their equivalent
- In cases where an individual has a current (i.e. less than 3-year old) DBS disclosure and will be working in a role that does not involve unsupervised contact with children, they may be permitted to start work prior to receipt of a new DBS check. Any such decision must be agreed by the Senior Management Team / governing body, which will take into account the references received for the individual as well as the nature of the role. As an additional safeguard a List 99 check will also be carried out. All staff will be alerted to the fact that any such individual must not have unsupervised contact with children and should report to the Head Teacher immediately if any attempt to gain such contact is made.

- A minimum of two recent and relevant references will be obtained before the employee starts their post

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

**Regulated activity** means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

### **Existing staff**

If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult:

- Where the 'harm test' is satisfied in respect of the individual (i.e. that no action or inaction occurred but the present risk that it could be significant)
- Where the individual has received a caution or conviction for a relevant offence
- If there is reason to believe that the individual has committed a listed relevant offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#)
- If the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Agency and third-party staff**

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

We will ensure that any contractor, or any employee of the contractor, who is to work at the school while children are on site has had the appropriate level of DBS check. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- We will obtain the DBS check for self-employed contractors.
- We will not keep copies of such checks for longer than 6 months.
- Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- We will check the identity of all contractors and their staff on arrival at the school.

### **Trainee/Student Teachers**

- Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.
- Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.
- In both cases, this includes checks to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006.

### **Volunteers**

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Obtain an enhanced DBS check without barred list information for all volunteers who are not in regulated activity, but who have an opportunity to come into contact with children on a regular basis, for example, supervised volunteers
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check for any volunteers not engaging in regulated activity
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

### **Governors**

All governors will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity.