

Early Years Foundation Stage (2014) Safeguarding and Notifications Guidance

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1. Summary

1.1 About this guidance

This guidance has been produced to support early years providers including childminders in make referrals or notifications to differing bodies including the local authority and the Office for Standards in Education, Children's Services and Skills (Ofsted). Early years providers are advised to have regard to this guidance which should be read in conjunction with the *Statutory Framework for the Early Years Foundation Stage* (September 2014); [Bolton Safeguarding Children Board Framework for Action](#) (October 2014); and the *Disqualification under the Childcare Act 2006* (June 2016) when carrying out their responsibilities.

This guidance replaces the Early Years Foundation Stage Safeguarding and Notification Guidance (version 3) issued in January 2016.

1.2 Expiry or review date

This guidance will be reviewed in 2017 and updated versions will be published if necessary.

1.3 Policy references

Legislation:

- Childcare Act 1989;
- Children Act 2004;
- Childcare Act 2006;
- Childcare (Disqualification) Regulations 2009; and
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

Statutory Guidance:

- [Incident reporting in schools \(accidents, diseases and dangerous occurrences\)](#), October 2013;
- [Statutory Framework for the Early Years Foundation Stage](#), September 2014;
- [Working Together to Safeguard Children](#), March 2015;
- [Disqualification under the Childcare Act 2006](#), June 2016
- [Keeping Children Safe in Education](#), September 2016.
- [Statutory Framework for the Early Years Foundation Stage](#) (2014)
- [Early Years and Childcare Registration handbook](#) (Ofsted) July 2016: 150150; and
- [Procedure for Managing Allegations Against People who Work with Children and Young People](#) Bolton Safeguarding Children Board.

1.4 Who is this guidance for?

This guidance is for early years providers including schools, out of school clubs and childminders in Bolton.

2. Introduction

All adults who come into contact with children and young people in their work have a duty of care to safeguard and promote their welfare.

A child's experience in the early years has a major impact on their future life chances. When parents choose to use early years services they want to know that provision will keep their children safe and help them thrive. The Early Years Foundation Stage (EYFS) is the framework that provides that assurance.

Through their safeguarding role all providers registered on the Early Years and / or Childcare Registers, including childminders are required to make referrals or notifications to differing bodies.

This guidance aims to bring together points from Safeguarding guidance and duties relevant to Early Years Providers, including childminders and seeks to clarify what notifications **should** or **must** be made, to whom and when.

This document indicates the duty placed on Childcare and Early Years Providers to also notify Bolton Council of serious accidents, injury to or the death of a child and overrides the previous Bolton Council Safeguarding Guidance 2011. The guidance brings together information from [Statutory Framework for the Early Years Foundation Stage](#) (2014), [Bolton Safeguarding Children Board Framework for Action](#) (2014) and [Disqualification under the Childcare Act 2006 Statutory Guidance](#) (2016) which includes information on disqualification by association under the *Childcare (Disqualification) Regulations 2009*. This guidance should be read in conjunction with these and have regard to the BSCB Framework for Action, which can be found at: www.boltonsafeguardingchildren.org.uk.

The Childcare Act 2006 provided the context for the delivery of the EYFS which is central to the new duties. The EYFS is given legal force through an Order and Regulations made under the Act and from September 2008 it was mandatory for all schools and early years providers in Ofsted registered settings.

The EYFS requires childcare providers on the Early Years and/or Childcare Register to notify Ofsted of serious accidents, illnesses, injuries to or the death of a child **whilst in their care**.

3. EYFS in schools

The Statutory Framework for the EYFS (2014) is for **all** early years providers: *maintained schools, non-maintained schools, independent schools, all providers on the early years register and all providers registered with an early years childminding agency* (page 4, EYFS 2014).

Throughout the EYFS, early years providers are referred to as registered EYFS providers and EYFS providers. Schools (as listed above) who deliver the EYFS for children up to the age of five are **EYFS providers**.

Schools must be aware of their responsibility as an EYFS provider to safeguard all children and to notify Local Authority Safeguarding Board regarding *serious accidents, illness or injury to, or death of, any child in the EYFS while in their care*. (para 3.51, EYFS 2014) please see **Appendix A**.

4. Safeguarding and child protection

Every child deserves the best possible start in life and support to fulfil their potential. A child's experience in the early years has a major impact on their future chances. A secure, safe and happy childhood is important in its own right, and it provides the foundation for children to make the most of their abilities and talents as they grow up. Everyone shares responsibility for safeguarding and promoting the welfare of children irrespective of roles and everyone working with children and young people should be familiar with local procedures and protocols for safeguarding the welfare of children and young people.

EYFS 2014 states that each provider **must** have a designated safeguarding lead, who **must** provide advice, guidance and support to any other staff and **must** attend child protection training. EYFS 2014 also states that providers must take all necessary steps to keep children safe and well and must have regard to statutory guidance [Working Together to Safeguard Children](#) (2015).

4.1 Early Help

The purpose of Early Help is to support the well-being of children and families by tackling emerging needs at the earliest opportunity and prevent them from getting worse.

Effective Early Help may be delivered at any point in a child's life; pre-birth onwards, about any issue which is impacting or could affect their development and well-being, including education, health and safety.

Bolton's Framework for Action provides clear thresholds for using early help processes and can be accessed at:

<http://boltonsafeguardingchildren.org.uk/documents/2013/10/framework-for-action-2.pdf>

4.2 What to do if you are worried a child is being abused

If providers have concerns about children's safety or welfare they must notify agencies without delay.

The three District Referral and Assessment teams amalgamated to become one service based in the Castle Hill Centre, working as part of the Multi-Agency Screening and Safeguarding Service (MASSS).

The MASSS was developed to promote better consistency at the 'front door' and ensure a responsive and more effective service to child protection concerns.

Bolton Framework for Action states that it is the responsibility of any person who has knowledge of, or suspicion that, a child is suffering or is at risk of suffering abuse or neglect to refer their concern to the Referral and Assessment Team (as part of MASSS), Children's Services, Social Care (where the child lives) or the Police. Referrals to Social Care **should** be made by telephone and then followed-up in writing within **two** working days using the Early Help form. The Early Help template **should** be used in this situation to share information about your concern and any other relevant information.

Concerns should be discussed with your line manager or designated safeguarding lead prior to referral, if this does not cause delay. You should, if possible, inform the family that you have made a referral to Children's Social Care but this should **only** be done when sharing the information will not place a child or parent at increased risk of significant harm. Where a child is in immediate danger an urgent referral should be made to the Police. Emergency medical attention can be secured by calling an ambulance. See flowchart at **Appendix B**.

5. Managing allegations, safer recruitment and disqualification by association

5.1 What to do if an allegation is made against an adult, working with children, at your setting

We know that the vast majority of adults who work with children act professionally, however children can be subjected to abuse by those who work with them in any and every setting.

Providers should be able to clearly differentiate between complaints and allegations and should have policies and procedures in place which inform parents (para 3.74, EYFS 2014).

EYFS 2014 states that registered providers **must** inform Ofsted (or the child minder agency) of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers **must** also notify Ofsted (or the child minder agency) of the actions taken in respect of the allegations.

Providers **must** notify Ofsted (or the child minding agency) of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises, where childcare is provided (para 3.16, EYFS 2014).

Allegations which appear to meet this criteria must be reported to the Local Authority Designated Officer (LADO) **within one working day** the LADO **must** be informed where a person who works with children has:

- Behaved in a way that has harmed or may harm a child
- Possibly committed a criminal offence against, or related to, a child; or
- Behaved towards a child/ren in a way that indicates s/he may pose a risk of harm if they work regularly and closely with children.

If an allegation appears to meet this criteria then LADO and Ofsted **must** be informed, however a concern/allegation may be made which does not meet LADO criteria but may meet EYFS criteria (as above) and Ofsted **must** still be informed eg where a person is living at the premises/setting but does not work with children and therefore would not meet LADO criteria.

A flowchart of actions to be taken on receipt of an allegation called 'The First Five Minutes' in Bolton can be found at **Appendix C**. This should be displayed in open/accessible areas where it is visible to staff.

Bolton Safeguarding Children Board (BSCB) approved local procedures for Managing Allegations in Bolton in September 2013. The full guidance and supporting resources can be found here:

<http://boltonsafeguardingchildren.org.uk/documents/2013/10/managing-allegations-procedure.pdf>

5.2 Safer recruitment methods and disqualification by association

EYFS 2014 states that providers must ensure that people looking after children are suitable to fulfil the requirements of their role.

In January 2015 the DfE highlighted that in addition to safer recruitment DBS checks, early years settings **should** ensure **ALL** staff are not 'disqualified' under the Childcare Regulations 2009 and also therefore not 'disqualified by association'.

Good practice guidance was distributed by Bolton Council Early Years and Childcare Team in February 2015. Briefings and training have been made available via the Early Years Workforce Development and Training Team and BSCB.

EYFS 2014 states that providers **must** notify Ofsted (or the child minding agency) of any event which is likely to affect the suitability of any person who is in regular contact with children on the premises where childcare is provided.

Where this is because of disqualification 'the employer **must not** employ that person in connection with Early years provision', The information must be provided as soon as reasonably practicable and within 14 days.

There is no requirement to notify the Local Authority, however advice can be sought via the Early Years and Childcare Team and the LADO.

Providers have a legal duty to refer to DBS where they have ceased to use a persons services due to a safeguarding issue. It is a criminal offence not to do so.

The Statutory Guidance for the EYFS can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/335504/EYFS_framework_from_1_September_2014_with_clarification_note.pdf

6. Accidents, Injuries, Illness and food poisoning

6.1 Accidents, injuries and illness

Registered providers must notify Ofsted (or Childminding Agency) of any:

- serious accident
- serious illness
- serious injury to
- death of

any child within their care, and of the actions taken. Notifications **must** be made ASAP and within 14 days of the incident.

In addition to the requirements of the EYFS (2014) regarding notifying local child protection agencies, for childcare providers who are also registered on the Childcare register (the compulsory part for children aged 5-8 years and voluntary part for children aged 8 – 18 years) “the lead practitioner must liaise with any local Safeguarding Children Board and Director of Children’s Services as appropriate” (CR2.8) in fulfilling their arrangements to safeguard children.

Providers on the both parts of the Childcare register and the Early Years register must notify local child protection agencies of any:

- Serious accident
- Serious injury to
- Death of any child while in their care

Providers should, in the first instance ensure children are safeguarded and clarify whether this is notifiable.

The notification should be made via the Notification Form at **Appendix D**, and sent securely via email to boltonsafeguardingchildren@bolton.gov.uk This will then be forwarded to the Early Years and Childcare Team for their information and to the LADO who may offer further advice, if required. If you are having difficulty with this email system please telephone Child Protection Unit admin on 01204 337460 for further advice.

Early Years providers may find useful advice on serious accidents/injuries on the Health and Safety Executive website (www.hse.gov.uk) including their guidance document: [*Incident reporting in schools \(accidents, diseases and dangerous occurrences\)*](#) (October 2013) or via Public Health

Public Health England have also published [*Guidance on Infection Control in Schools and other Childcare Settings*](#) (May 2016) which should be considered and where appropriate further advice sought from Public Health England on 0344 225 0562 and/or Community Infection Prevention and Control Team at Bolton NHS Foundation Trust on 01204 390 982.

6.2 Food poisoning

Registered providers must notify Ofsted (or the childminding agency) of any food poisoning affecting two or more children cared for on the premises. Providers should also inform Bolton Council Environmental Health Team on 01204 336 500.

7. Training

Training for Early Years settings can be accessed via the Workforce Development Team at <http://www.bolton.gov.uk/website/pages/Workingwithchildren.aspx>.

Additional safeguarding training can be accessed via Bolton Safeguarding Children Board, for information on the range of free courses available follow the link: <http://boltonsafeguardingchildren.org.uk/documents/2016/07/multi-agency-safeguarding-training-brochure-2016-2017.pdf>.

8. Frequently asked questions and useful contact

Frequently Asked Questions can be found in **Appendix E** and a series of useful contacts at **Appendix F**.

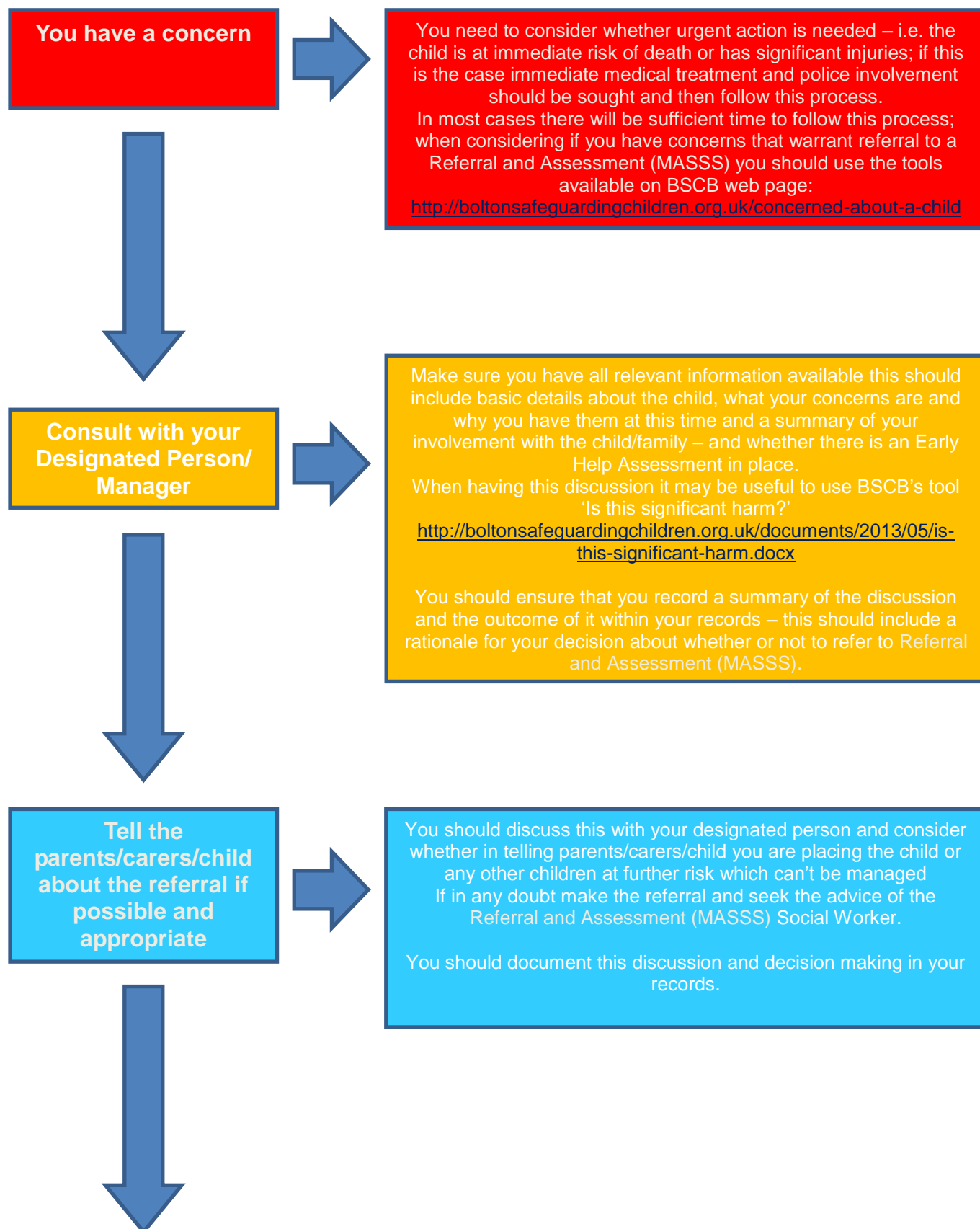
Appendix A

Notification Guidance for Early Years Settings

Incident	Notification to Ofsted - Registered EYFS providers	Notification to Bolton Safeguarding Board LADO		Referral to MASSS all EYFS providers including schools	Timescales	Notes
		Registered EYFS providers	EYFS providers including schools			
Child Protection						
You suspect a child is being abused	No	No	No	Yes	Immediately	Police as appropriate Social care see appendix A
Accident/injury of child in your care						
Serious accident	Yes	Yes	Yes		ASAP or within 14 days	
Serious Illness	Yes	No	No		ASAP or within 14 days	
Serious injury – see definition at appendix C	Yes	Yes	Yes		ASAP or within 14 days	
Death of child while in your care	Yes	Yes	Yes		ASAP or within 14 days	
Allegations						
Allegation against anyone working with children (even if this is another agency/setting)	Yes	Yes	Yes		Within 1 working day	
Actions taken in respect of the allegation	Yes	Yes	Yes		ASAP	
Allegation against anyone living at the setting who does not work with children	Yes	No	No		ASAP or within 14 days	
Any significant event which is likely to affect the suitability of staff- includes disqualification issues	Yes	No	No		ASAP or within 14 days	A waiver may be issued
Other						
Changes to provider/setting details	Yes	No	No		ASAP or within 14 days	
Food poisoning affecting two or more children	Yes	No	No		ASAP or within 14 days	
<i>If you dismiss someone or cease to use their services due to a safeguarding issue then you should notify DBS service within one month. It is a criminal offence not to do so.</i>						
Originally published: June 2015 Last updated: December 2016						

Appendix B

Practitioners quick guide to making a referral about the safety or welfare of a child



Refer to the Referral and Assessment (MASSS) Duty Social Worker



Contact the social worker by telephone and clearly state you are making a referral this will avoid confusion
01204 331500.

Make sure you record who you are talking to, make sure you provide a clear account of your concerns and why you are contacting the social worker now.

At the end of the call you should know what is going to happen next, the timescales for action and what your role in this will be.

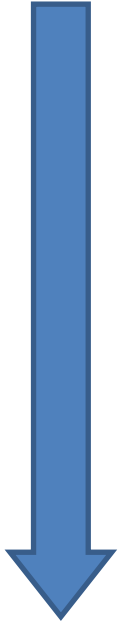
When making a referral use BSCB's tool 'Useful Information when making a referral':

<http://boltonsafeguardingchildren.org.uk/documents/2013/05/useful-information-when-making-a-child-protection-referral.docx>

If the duty worker does not agree that social work involvement is needed you should listen to their reasoning for this and their advice about alternative action – including recommendations to use early help processes; if at the end of this you still do not agree then you should use BSCB's resolving professional differences process:

http://greatermanchesterscb.proceduresonline.com/chapters/p_resolv_prof_dis.html

You should ensure that the child and their family continues to be supported and kept safe while awaiting resolution.



Follow up in writing using Early Help Assessment Form within 2 working days



After you make a telephone referral to a social worker you should follow this up, securely, in writing using the Early Help form to confirm your concerns and to share any additional information you know about the child and their family

R&A@bolton.gcsx.gov.uk

You override consent as you are taking action to safeguard a child – Early Help Assessment can be found:

<http://boltonsafeguardingchildren.org.uk/documents/2015/11/early-help-assessment-form.doc>

If you have had no acknowledgment that the written information has been received, you should re-contact the social worker and request an update.

If you know there is an Early Help Assessment and Plan open but you are not the Lead Professional, you should tell the Lead Professional about the action you have taken and why as soon as possible; if you are not sure if there is an Early Help Assessment you can check with the Integrated Working Team on 01204 331394 who will let you know and share details of the Lead Professional where one is identified – it would be good practice to share this information with the Lead Professional.

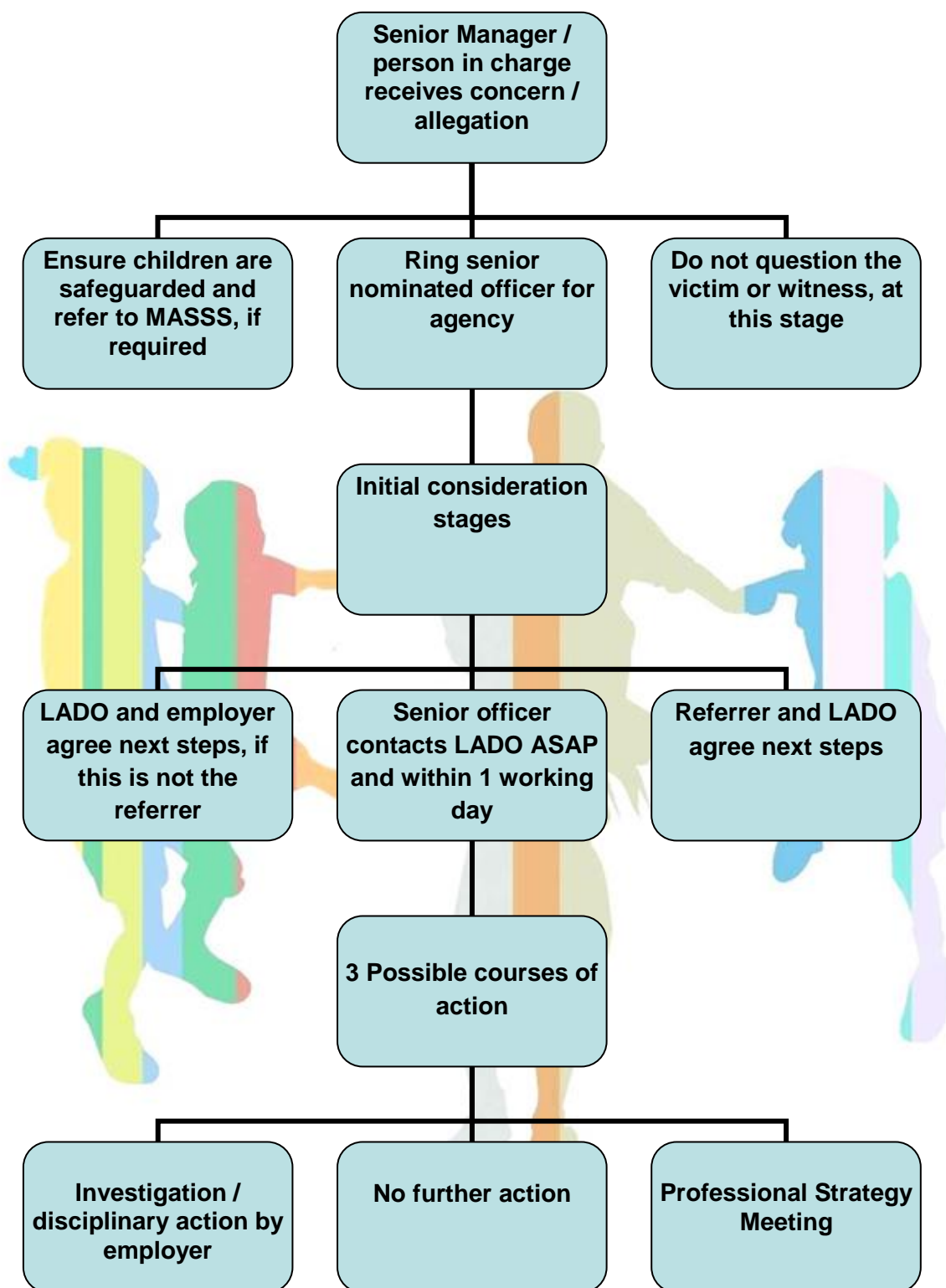
If you are the current Lead Professional making the referral and there is an Early Help Assessment and Plan in place, this should be updated to include the referral information and used to follow up your referral in writing to the social worker - this helps to avoid duplication and gives the social worker the best possible information from which to start their assessment.

Remember to also send a secure copy to the Integrated Working Team

boltonISA@bolton.gov.uk

Appendix C

Managing allegations against those who work with children 'The First Five Minutes'



Please Contact the LADO Paula Williams: 01204 337474

BSCB Managing Allegation Procedures - September 2016

Appendix D

Early Years Notification: serious accident, serious injury or death of child whilst in the setting

Person making notification	
Early years setting	Private Nursery/ Playgroups/ Childminder/ childminder agency/ OOSC / Schools with EYFS (<i>Please circle</i>)
Name and address of setting	
Telephone contact	
Ofsted URN	

Name of Child:	
Date of Birth:	
Address:	
Parent carer name	
Have parents been informed	YES / NO

Date of the Incident	Time:
Details of the Injury:	
Details of how the injury occurred:	
Action taken by Provider: <i>i.e. parent informed, social care informed, child taken to A&E</i> <i>use overleaf if required</i>	

Previous notification(s) of Serious Injury:	Yes / No - If yes provide details
Date referred to Ofsted:	
Date referred to LA:	

For LA use: Date received:

Received by LADO:

Setting advised: YES / NO

Advice given / recommendation made:

Additional information:

Once completed this form should be emailed securely to:

boltonsafeguardingchildren@bolton.gov.uk

or via www.boltonsafeguardingchildren.org.uk

Appendix E

Frequently asked questions

Q. What to do if I have reported a concern to my Designated Child Protection lead and they do not do anything

A. It is everyone's duty to safeguard children. If you doubt that a referral to Children's Services Social Care has been made or if you are still concerned raise this with your designated safeguarding lead. You can also make a referral yourself

Q. What do you do if an allegation is made about a senior member of staff or owner

A. If the allegation is against the manager then the owner or senior most person above them should be informed. You can report your concerns to the Local Authority Designated Officer (LADO), or you can follow your employer's Whistleblowing Policy.

Q. If I am concerned about someone (who works with children) behaviour outside their professional role, who can I discuss this with?

A. Behaviours outside of a person's professional role and in their social lives can sometimes raise concerns and reflect on their work with children. This can be discussed with your designated safeguarding lead who can advise you if this meets the criteria for referral to LADO.

Q. If I see something outside of work which causes me concern about a child that comes to Nursery what should I do?

A. Safeguarding children is everyone responsibility and as a professional working with children the same standard applies outside of work as within it. You can discuss the concern with your Child protection lead or if urgent, seek help from social care or police.

Appendix F

Useful contact details

Agency	Telephone number	Website
Bolton Safeguarding Children Board	01204 337479	www.boltonsafeguardingchildren.org.uk
Ofsted	03001231231	www.ofsted.gov.uk
The Referral and Assessment duty social workers (MASSS) can be contacted on the following numbers:		
01204 331500		
Emergency Duty Team: 01204 337777	Between 6pm - 8.45am	
Team Managers: Sarah Oxley Nikki Litchmore Claire Wallwork Deputy Managers: Helen McCabe Emma Appleby Joanne Sutton You can also contact the Referral and Assessment service via email:	01204 337446 01204 337412 01942 634622 01204 337072 01942 634621 01204 332884 R&A@bolton.gov.uk or R&A@bolton.qcsx.gov.uk	
Other		
Police	999 101	If child is in immediate danger If child is not in immediate danger
Early Years Team	01204 338149	
Child Protection Unit	01204 337460	
LADO	01204 337474	
Early Help	01204 331392	