

# Child Protection/Safeguarding

## Whistle Blowing and Disclosure Policy

All staff are required by Section 40 of the Childcare Act 2006 and the EYFS Statutory Framework Safeguarding and Welfare requirements to take the necessary steps to safeguard and promote the welfare of children.

This includes raising/reporting concerns of unacceptable behaviour that puts a child at risk. All staff will, therefore, take all necessary steps to keep children (inside or outside of the setting's care) safe and well.

### To do this staff will:

- Promote a transparent setting and practice.
- Encourage staff, assistants, parents and carers to act quickly and raise any concerns they may have about the setting or the care provided.
- Log concerns and act upon them accordingly.
- Report any unacceptable behaviour of a staff member or assistant, and any other professionals working with children to the relevant authorities, including Ofsted, the police, Mash

Whilst it is expected that there should be a professional approach at all times and that everyone should hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening.

It is vital that all team members talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be ironed out as soon as they arise.

### Disclosure of information

- Where a member of staff becomes aware of information that they reasonably believe tends to show one or more of the following, they **MUST** use the settings disclosure procedure set out below:
- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, National Minimum Standards, National Care Standards)
- That a miscarriage of justice that has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be, endangered
- That the environment, has been, is being, or is likely to be, damaged
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed

### Disclosure procedure

- If this information relates to safeguarding then the settings safeguarding policy should be followed, with particular reference to the staff and volunteering section
- Where it is believed that one or more of the above circumstances listed above has occurred staff should promptly disclose this with the setting deputy so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to the deputy (i.e. because it relates to them) the member of staff should speak to the Manager.
- Staff will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, staff should speak in confidence to the Manager.
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner

- Any staff member who is involved in victimising staff that make a disclosure, takes any action to deter staff from disclosing information or makes malicious allegations or disclosures in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any room leader or deputy who inappropriately deals with a whistle blowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) they may be deemed to have engaged in gross misconduct which could lead to dismissal.

# General Data Protection Regulation Policy

## Statement

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Davey Day Care Limited is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

## GDPR includes 7 rights for individuals

### 1) The right to be informed

Mereway Butterfly Preschool LTD is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Northampton County Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to our pre-schools. We need to know visits names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Mereway Butterfly Preschool Limited is required to hold data on its employ-ees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to UKCRBs for the processing of DBS checks.

### 2) The right of access

At any point an individual can make a request relating to their data and Mereway Butterfly Preschool Limited will need to provide a response (within 1 month). Mereway Butterfly Preschool Limited can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.

### 3) The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However Mereway Butterfly Preschool has a legal duty to keep children's and parents details for a reasonable time\*, Mereway Butterfly Preschool Limited retain these records for 3 years

after leaving Butterfly Preschool, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member of leaves employment, before they can be erased. This data is archived securely and shredded after the legal retention period.

#### 4) The right to restrict processing

Parents, visitors and staff can object to Mereway Butterfly Preschool Limited processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

#### 5) The right to data portability

Mereway Butterfly Preschool Limited requires data to be transferred from one IT system to another; such as from Mereway Butterfly Preschool Limited to the Local Authority, to shared settings and to Tapestry' Online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

#### 6) The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

#### 7) The right not to be subject to automated decision-making including profiling.

Automated decisions and profiling are used for marketing based organisations. Mereway Butterfly Preschool Limited does not use personal data for such purposes.

### **Storage and use of personal information**

All paper copies of children's and staff records are kept in a locked office in Mereway Butterfly Preschool. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.

Mereway Butterfly Preschool collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.

Information regarding families' involvement with other agencies is stored both electronically on an external hard drive and in paper format, this information is kept in a locked office and in a locked filing cabinet on Mereway Butterfly Preschool site. These records are shredded after the relevant retention period.

Upon a child leaving Mereway Butterfly Preschool and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent via the

internal Northampton County Council post service or via a secure file transfer system. For children attending school outside Northampton County Council the parent/carer will be given the data to deliver to the receiving school.

Mereway Butterfly Preschool stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained. No names are stored with images in photo albums, displays, on the website or on Mereway Butterfly Preschool social media sites.

Access to all Office computers and Tapestry Online Learning Journal is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

GDPR means that Mereway Butterfly Preschool must:

\* Manage and process personal data properly

- Protect the individual's rights to privacy
  - \* Provide an individual with access to all personal information held on them

## Child Protection/Safeguarding

### Photo Policy

Occasionally, staff members may use our iPads, Manager's phone, or the settings camera to take photographs/videos of the children at our setting.

We use these images/videos to support their observations, assessments, planning and to provide a pictorial record for parents via Baby's Days. Images may also be used on our displays and on the child's peg.

Your child may appear in the background of an image/video which will be used in Tapestry.

Your child may appear in an image/video with other children (such as a group photo) with whom, on occasion, we will share with the relevant parents.

We will avoid putting ourselves into any compromising situation, which could be misinterpreted and lead to possible allegations.

The setting will always be able to justify to Ofsted the reason for taking the images/videos.

Photos taken on our iPad will not be stored for longer 1 month. Photos taken on the Managers mobile phone and the settings camera will be deleted as soon as they have been used for the intended purpose.

In compliance with the General Data Protection Regulations (GDPR) and the Early Years Foundation Stage (EYFS), any records we are not obliged to keep will be destroyed within the appropriate timelines.

If we want to use a photo on social media or on our website, we would always seek prior approval before doing so.

By ticking the box on the application form, you are consenting to all of the above. If you have any concerns however, please feel free to talk to a member of staff.

## Child Protection/Safeguarding

### Peer on Peer Abuse/Bullying

#### Peer on Peer Abuse/Bullying

Mereway Butterfly Preschool is committed to providing an environment for children that is safe, welcoming and free from bullying. Bullying of any form is unacceptable, whether the offender is a child or an adult. The victim is never responsible for being the target of bullying.

Everyone involved at Mereway Butterfly Preschool staff, children and parent/carers, will be made aware of the stance towards bullying. Such behaviour will not be tolerated or excused under any circumstances.

Mereway Butterfly Preschool defines bullying as the repeated harassment of others through emotional, physical, verbal or psychological abuse. Examples of such behaviour are as follows:

**Emotional:** Being deliberately unkind, shunning or excluding another person from a group or tormenting them. For example, forcing another person to be 'left out' of a game or activity or making fun of another person.

**Physical:** Pushing, scratching, spitting, kicking, hitting, biting, taking or damaging belongings, tripping up, punching or using any other sort of violence against another person.

**Verbal:** Name-calling, put-downs, ridiculing or using words to attack, threaten or insult. For example, making fun of another person's appearance.

**Psychological:** Behaviour likely to instil a sense of fear or anxiety in another person.

#### Preventing Bullying Behaviour

The Manager and the staff will make every effort to create a tolerant and caring environment, where bullying behaviour is not acceptable. Staff will discuss the issues surrounding bullying openly, including why bullying behaviour will not be tolerated and what the consequences of bullying behaviour will be.

#### Dealing with Bullying Behaviour

In the event of such incidents, the following principles will govern Mereway Butterfly Preschool 's response:

- All incidents of bullying will be addressed thoroughly and sensitively.
  - Children will be encouraged to immediately report any incident of bullying that they witness. They will be reassured that what they say will be taken seriously and handled carefully.
  - Staff have a duty to inform the Manager if they witness an incident of bullying involving children or adults.
  - If a child or a member of staff tells someone that they are being bullied, they will be given the time to explain what has happened and reassured that they were right to tell.
  - The individual who has been the victim of bullying will be helped and supported by the staff team. They will be kept under close supervision and staff will check on their welfare regularly.
  - In most cases, bullying behaviour can be addressed according to the strategies set out in the Behaviour Management policy. The bully will be encouraged to discuss their behaviour and think through the consequences of their actions. Where appropriate, they will be encouraged to talk through the incident with the other person concerned.
  - Where bullying behaviour persists, more serious actions may have to be taken, as laid out in the Suspensions and Exclusions policy.
  - A member of staff will inform the parents/carers of all the children involved in a bullying incident at the earliest possible opportunity. If appropriate, staff will facilitate a meeting between the relevant parents/carers. At all times, staff will handle such incidents with care and sensitivity.
  - All incidents of bullying will be reported to the Manager and will be recorded in our Incident report system.
- In the light of reported incidents, the Manager and other relevant staff will review the procedures in respect of bullying.

