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safeguarding responsibilities of trustees

an Early Years Alliance mini guide

There is no greater responsibility for an early years setting than that of ensuring children are kept safe and well and are provided with a secure environment in which they can learn and develop.

The 'registered person'

Within the Early Years Foundation Stage (EYFS), the responsibility for safeguarding is placed on the 'registered person' of the setting. This is often referred to as the 'registered provider' or 'provider'. For charity-run settings, the trustees (or committee, as they are often known) collectively form the registered person.

Every trustee therefore needs to have a full understanding of the requirements and responsibilities of their role and feel confident about their ability to meet these requirements. Ofsted requires each trustee, as part of the registered person, to complete a Disclosure and Barring Service (DBS) application form and be registered with the DBS update service. Trustees must also disclose to Ofsted any circumstances which may disqualify them from providing childcare.

Charity trustees must ensure that a suitably trained designated practitioner for safeguarding is available at all times during their setting's opening hours. However, the trustees, as the registered person, are ultimately responsible for safeguarding in the provision.

The Little Stars serious case review (Birmingham Safeguarding Children Board, 2013) identified that one of the major reasons abuse was possible on the premises was that the trustees delegated all issues of safeguarding to the manager. However, safeguarding is everyone's responsibility and the trustees' role as the registered person cannot be delegated. There must be clear lines for reporting and accountability, with named persons clearly displayed for all members of staff along with contact details for local social care services and the local designated officer. To support the trustees' safeguarding responsibilities, it is good practice for one trustee to be appointed the 'designated officer' for safeguarding in the setting, to liaise with the designated lead practitioner and oversee safeguarding and child protection work. **Policies and procedures**

The EYFS states that *'Providers must have and implement a policy, and procedures, to safeguard children* (EYFS, 3.4) which must align with Local Safeguarding Children Board (LSCB) or local safeguarding partners' guidance. Trustees are responsible for reviewing these policies and procedures regularly, or ensuring that such reviews take place.

Providers must have regard to the Government's statutory guidance *Working Together to Safeguard Children* (2018) and if they have concerns about children's safety or welfare, they must notify agencies with statutory responsibilities without delay, that is, local children's social care services and, in emergencies, the police. Additional requirements are:

- for a setting to have a whistle-blowing policy

  which provides a mechanism for staff and volunteers to raise concerns about practice in

the setting without fear of reprisal or victimisation

- to show how it has listened to children and taken account of their welfare and wishes

The provider's duty extends beyond the setting itself and all involved with the setting '*must be alert to any issues of concern in the child's life at home or elsewhere*'. (EYFS, 3.4) The procedures must also meet the requirement to '*inform Ofsted…of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere)…as soon as is reasonably practicable, but at the latest, within 14 days of the allegations being made*'. (EYFS, 3.8)

Early years providers must also follow the government's *Revised Prevent Duty Guidance* (2016) which imposes the duty to have *'due regard to the need to prevent people from being drawn into terrorism'*. This means *'having robust safeguarding policies in place to identify children at risk, and intervening as appropriate'*.

Staff recruitment and training

The trustees' role in appointing staff, especially the manager and other senior posts, is crucial. The EYFS requires that providers '*must ensure that people looking after children are suitable to fulfil the requirements of their role'.* (EYFS, 3.9) In order to appoint an effective manager to the role of 'designated person', the trustees must have a good understanding of all aspects of the EYFS and be confident that the person they appoint is capable of delivering the framework effectively.

The provider is responsible for assessing the suitability of all staff, students and volunteers, which should be done by checking each individual's DBS certificate. Individuals should also be asked to register for the DBS update service. In addition, staff and volunteers must be told *'they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that might affect their suitability to work with children'.* (EYFS 3.11)

The provider '*must train all staff to understand their safeguarding policy and procedures, and ensure that all staff have up-to-date knowledge of safeguarding issues'.* (EYFS, 3.6) This training must enable all staff to identify signs of abuse and neglect and respond in a timely way. They should also receive regular updates on safeguarding at least annually.

Staff members' training needs should be monitored through regular supervision and reviews. This supervision should allow staff to raise any child welfare or child protection concerns or other issues, offer coaching to improve staff effectiveness and identify solutions as they arise.

Beyond these specific duties on the part of the trustees there is the responsibility to create an environment where employees, volunteers, parents and children feel safe to express their views and, if necessary, concerns they have about the safety of the provision. The aim should be to develop a 'culture of safety' in which all are encouraged to reflect on their involvement in the setting and to consider ways in which practice can be improved and children's safety ensured.

Further information

Essential Policies & Procedures for the EYFS (Pre-school Learning Alliance, 2018)

Safeguarding Children (Pre-school Learning Alliance, 2013)

Safeguarding through Effective Supervision (Preschool Learning Alliance, 2013)

Recruiting Early Years Staff (Pre-school Learning Alliance, 2016)

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