Early Years Procedure
Managing Allegations
Against Adults who Work with Children
This document has been updated by The Local Authority Early Years Education Team and in partnership with Coventry’s Childrens Safeguarding Partnership (CSCP) (version March 2018)

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Introduction

All incidents or allegations of abuse against children should be taken seriously and treated in accordance with Coventry Safeguarding Childrens Partnership procedures. All providers must have a procedure for handling such allegations, which is consistent with these procedures.

Within your setting there should be clear written policies and procedures in place which are well publicised and are supported by the training and supervision for staff. The registered person must ensure that all staff and volunteers are aware of child protection policies and procedures and how to implement them.

It is essential that all allegations are given immediate priority. They should be dealt with objectively and sensitively, with due consideration given to all aspects of the case.

All Ofsted Registered Early Years and Childcare Providers must have an appropriately trained, designated person (s) for safeguarding/child protection. In line with Coventry Safeguarding Childrens Partnership requirements, all providers must have a Designated Safeguarding Lead (DSL), Childminders must take the lead responsibility themselves. Early Years and Childcare providers must ensure that they are aware of Child Protection procedures and know what to do in the event of an allegation being made against them or any member of staff in the setting.

In all allegations there are 5 separate strands of enquiry:

- Whether a criminal offence may have been committed

- Whether the circumstances of the case suggest that Child Protection procedures need to be followed to promote and safeguard the welfare and safety of children

- Whether disciplinary action against the staff member is required

- Whether the individual concerned is judged to pose an on-going risk to children

- Disqualification by Association – EYFS pg 19, 3.15

Whistle-blowing Policy

A Whistle-blowing Policy (see local authority example Appendix B) will ensure that all adults are clear about what to do if they are concerned about the behaviour of any other adult in the work setting; this includes those with management responsibility or the registered person. The policy must make it clear that all allegations or concerns must be reported immediately.
Each provider must have a well-publicised Whistle-blowing Policy to inform all staff including volunteers and students about their responsibilities to report concerns/suspicions of abuse.

**What is an allegation?**

An allegation is defined as any complaint or concern that might indicate that a person who works with children has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates that they may pose a risk of harm to children.
- Working Together to Safeguard Children 2015

Additionally incidents occurring outside of the work setting which may affect their suitability to work with children must be reported.

Allegations may be made by children, young people, parents/carers, other staff, volunteers, students, Ofsted, Local Authority representatives or members of public.

**What do you do when an allegation has been made?**

Follow the procedure on the “Allegations of abuse made against an adult in a setting – What do you do” (Appendix A)

**When an allegation is made:**

1. Ensure the immediate safety of the child/ren and other children who may be affected
2. Inform Registered Person, the DSL and the LADO – who may also ask you to make a referral to the Multi Agency Safeguarding Hub (MASH) Referral and Assessment Services Social Care (regarding the child(ren) and Police (depending on the incident)
3. Record factually what is being alleged, by whom and include writing the time, place and details of the incident and any action taken and whether there were any potential witnesses.
4. Sign and date the record
5. Confidentiality must be respected throughout the process
6. Inform your insurance company

It is important that the DSL/Manager/Registered Person or any other member of staff **does not** start to investigate the allegation. Keep any discussions with the subject of the concern to a minimum until the Local Authority Designated Officer (LADO) has been informed.

In the event of an allegation of sexual abuse, do not alert the subject of concern to the allegation.
It is not the DSL, Managers or Registered Persons responsibility to assess/investigate whether a child protection allegation is substantiated. Consider that potentially a crime may have been committed and that it is essential that any evidence is not contaminated.

• Inform the DSL, Registered Person (unless they are the subject of the concern), Ofsted and the Local Authority Designated Officer (LADO)

• It may be necessary to consider suspending the person from all duties immediately, if so a risk assessment reasons must outline why you are suspending until the investigation identifies the level of risk has been reduced. Explain to the person that suspension is a neutral act which does not imply guilt, and that this action is necessary to protect all concerned, including the person (who should not be given details of the allegation at this stage). You should also refer to your personnel policies.

• If you are not suspending the member of staff then give a reason why on your risk assessment.

There is further guidance available on the Department for Education website:

www.education.gov.uk

If a child makes an allegation:

• Explain to the child (depending on their age and understanding) that his/her disclosure/concern will be taken seriously and acted upon

• Explain to the child what steps will be taken (if they are of an age and understanding)

• Follow the professional abuse policy, child protection policy and contact Children Social Care (MASH) or the Emergency Duty Team (EDT) if out of hours.

It is important to communicate sensitively to ensure that the child is not left feeling anxious or that he/she is not believed.

How do you deal with the subject of concern?

Coventry Safeguarding Children Procedures should cross reference to disciplinary procedures, if applicable.

• Incidents of poor practice or incompetence may be dealt with under normal disciplinary procedures within the setting without referring the matter to the LADO, but you may need to consult the LADO for clarification.

• You may feel that you have no choice but to suspend the subject of concern, but this should not be an automatic reaction. Check first to see whether the allegation is false, it is sometimes possible to identify early on, before a formal investigation that an alleged incident could not have happened. Only rely on provable facts to make judgement, not your opinions of the subject of concern.
Even if a child protection investigation is inconclusive or does not result in criminal conviction, you can still take action against an employee if ‘gross misconduct’ is identified. An individual may not be assessed as perpetrating abuse but may still present a risk to children due to their behaviour, practice or attitude.

Where a formal investigation is taking place, in most cases, it may not be appropriate to keep a member of staff at work. If suspension is necessary, there is a duty of care and the employer and should make support arrangements available for the employee. The support person should not be directly involved in the investigation of the management of disciplinary proceedings. In discussion with the LADO, ensure that the employee is kept appropriately informed about the progress of the investigation.

The employee may attempt to resign, to avert any concerns being recorded on their employment record. In these cases, explain that the investigation will continue despite their resignation. It is advisable not to dismiss the employee without investigating or referring the complaint. You may wish to seek advice and support from a specialist in employment law.

Keep a full record of allegations made, details of how the allegation was followed up and resolved and note actions taken and decisions reached on the person’s confidential personal file. Records should show the process of making judgements about both suspending an employee and making a referral so that you can demonstrate that you made a balanced and reasoned decision.

**How do I report an allegation?**

In the process of deciding whether the allegation warrants a formal investigation, inform:

- Local Authority Designated Officer (LADO) – 024 76833443
- Ofsted – 0300 123 3155 within 24 hours of the incident

Refer to “Professional abuse flow chart” (see Appendix A)

- If an allegation of abuse has been made against a member of staff or volunteer, the manager/supervisor will follow the procedures of the Child Protection Policy.

- If an allegation of abuse is made against the manager, then another designated senior member of staff should report the matter directly to the registered person who will then follow the procedures of the Child Protection Policy.

- If an allegation of abuse is made against the registered person, the manager or a designated senior member of staff will then follow the procedures of the Child Protection Policy.
• Where the DS is the registered person and the manager, a designated senior member of staff will then follow the procedures of the child protection policy and will inform the LADO and Ofsted, who will then advise on who will take the lead.

If you feel an allegation has not been appropriately addressed, follow this up with your line manager in the first instance, then contacting Coventry Safeguarding Children’s Partnership (CSCP) if not satisfied. CoventryCSCP@coventry.gov.uk

**Action by parents or others**

In some cases, parents or others will report an allegation directly to the Police, rather than to the setting. The Police will then inform Children’s Social Care and the LADO and formal procedures will be followed, in which the setting will be informed and included into the process.

**What do I say to parents?**

If the allegation is against a member of staff then the parents should be informed. When considering informing the parents of the victim, it is important to take advice from Ofsted and the LADO. They will be able to advise you about the information sharing with parents. If the allegation is against the parents, you will need to consider whether the welfare of the child would be put at further risk by informing his/her parents. If unclear then discuss with the LADO.

All details of the incident, including information given to parents, should be recorded and stored as a confidential record. The subject of the concern has a right to confidentiality and privacy whilst any investigation is in process. Details should not be divulged to any third parties. The parents of the victim should be informed of the general process and informed of the outcome.

**What is the role of Ofsted?**

Your setting may still face enforcement action from Ofsted, if it considers that your systems, policies and procedures are inadequate. Ofsted has the power to suspend registration at any time, or if it considers children are at risk. Ofsted may decide to bring forward an inspection or carry out more frequent inspections.

**What happens if the LADO and the Police decide that the allegation requires further investigation?**

If there is agreement that the allegation requires further investigation then a Position of Trust (PoT) meeting will be convened and they will decide who should attend.

This meeting will agree on further actions including who has responsibility for these actions, their timescales and what records are to be made available.

Decisions may ask for consideration as to whether it is appropriate for the member of staff to be suspended, if this has not already happened. An assessment of risk to children will be undertaken by the setting. The meeting will agree what information may be shared and with whom.

**How do I ensure confidentiality and privacy?**
You must share all information with the Police, Social Care, the LADO and Ofsted as required. However, the staff member, the child and his/her family are entitled to as much privacy and confidentiality as possible.

You will need to give basic facts to other members of staff and may need to agree a brief and factual statement for other parents in response to queries.

If you are unsure seek professional advice and guidance from the LADO, CQRA's, professional organisation (e.g. PACEY, NDNA) or your public liability insurance company.

**What is my role during and after the investigation?**

Investigations can take a long time. Providers need to manage the stress and anxiety both to staff and possibly to parents and children that may be caused during and after an investigation.

If the allegation is substantiated and the member of staff is dismissed, resigns or their service is discontinued, the LADO will advise you about which agencies e.g. DBS, need to be informed so that they can decided whether or not the person should be prevented from working with children in the future. If the allegation is proven to be malicious, appropriate action will depend on the source. Where a member of staff makes a false allegation, consider whether disciplinary action is appropriate to the member of staff. You do not want to undermine ‘whistle-blowing procedures’ even if it is misguided but false allegation needs to be addressed.

Providers should retain records of all allegations of abuse made against staff members or volunteers. Advice is available from ACAS –


Keeping precise records is important so that any subsequent requests for a reference from an employer for a member of staff will be accurate and include details of the allegation and investigation.

**Role of Coventry Local Authority Early Years Officers:**

- They may refer directly to the LADO and Ofsted if they themselves have identified areas of concern and will inform you when doing so, unless there is a safeguarding reason whereby it would not be appropriate to inform the setting.
- They provide support to the setting in addressing recommendations arising from a Position of Trust meeting.
- They will attend Position of Trust meetings and may review funding and commissioning arrangements depending on the outcome or matters arising from this meeting and any investigation undertaken.
- Should there be significant cause for concern regarding leadership, management; procedures or practise within a setting then this would lead to the Local Authority implementing the ‘Provider Causing Concern Process’.

**How do I create a safe environment?**
• Adopting robust safer recruitment practices and procedures safe and robust
• Maintain open communication between DSL, management, all staff, parents and children
• Create a physical environment with no dark corners or unnecessary closed doors
• Establish a culture of trust and honesty
• Ensure that the DSL and staff regularly update their child protection training
• Include all procedures and the settings ethos for the safety of children in the staff induction policy
• Annually complete of the Early Years audit tool
• Regularly discuss, monitor and review policies and procedures in whole staff meetings, supervision and appraisals, including the whistle blowing policy.
• Discuss safeguarding scenarios with your team as a whole
• Discuss Managing Allegations and what that means for the staff group

Coventry Contacts for Referrals, Advice and Support

Local Authority Designated Officer (LADO) – 024 76833443
LADO@coventry.gcsx.gov.uk

Children’s Social Care (Referral and Assessment) – 024 76788555

Emergency Social Care Duty Team – Out of Hours – 024 76832222

Childcare Quality Regulations Advisors (CQRA) – your Childcare Quality Regulations Advisor will also provide you with support and guidance.

Coventry Safeguarding Children Partnership procedures can be found on the link below:
https://www.coventry.gov.uk/cscp

National Help Lines

Ofsted hotline – 0300 123 3155
Ofsted email – whistleblowing@ofsted.gov.uk

Or you can write to WHBL Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

Disclosure and Barring Service (DBS) - 03000 200 190
Professional Abuse Flow Chart

An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

If an allegation is made against any adult who comes into contact with children in either a paid or unpaid capacity in the setting, the child minder or any person in the child minder setting

Childcare provider contacts the

1. LADO 024 76 833 443
2. Ofsted 0300 123 1231

LADO to be consulted on initial planning and whether the member of staff/person concerned is to be informed of the allegation; the LADO will ask you to complete a referral form to be returned to LADO@coventry.gov.uk. If there is an offence or on-going risk to the child you must make a referral to Social Care 024 76788555 or contact the Emergency Duty Team - Out of Hours 76832222 and/or

REMEMBER!

Is the child safe?
Document everything
Do not investigate
Whistleblowing

Whistleblowing is the tool by which staff can voice their concerns in relation to any kind of information or activity that is deemed illegal, unethical, or not correct which is made in good faith, without fear of repercussion. Early years settings should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use whistle blowing procedures should have their employment rights protected. Staff should recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. Not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

As part of your safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of your provision should be included.

The policy should clearly state:

- That it applies to all team members including management, students and volunteers.
- Make it clear that the employer is committed to tackling unprofessional conduct and report any behaviour by colleagues that raises concern.
- Make it clear to the staff that unprofessional conduct is a serious matter which will be dealt with in accordance with the whistleblowing and managing allegations of abuse policy.
- Explain the Public Interest Disclosure Act 1998) protects workers who report unprofessional conduct and report any behaviour by colleagues that raises concern within the work place.
- Ensure confidentiality for the whistle-blower who requests it.
- Establish time limits to ensure that a concern will be dealt with promptly.
• Provide assurance that feedback will be provided about the progress and outcome of the investigation where appropriate to do so.

• When an allegation is being made, record factually what is being alleged, by whom and state the time, place and details of the incident, any action taken and whether there were any potential witnesses. The record needs to be signed and dated by the person raising the concern.

• Provide information about the relationship between the whistleblowing policy and the employer’s other policies and procedures.

• Report allegations against staff, students and volunteers to their manager, or registered provider, or where they have concerns about the manager’s response report these directly to the Local Authority Designated Officer (LADO)