

Guidance for early years and childcare settings for managing an allegation against a person who works or volunteers with children

Definition of an allegation (from Working Together 2023):

All cases in which it is alleged that an adult who works with children in any capacity (paid or voluntary) 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;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Whose responsibility is it to investigate allegations:

The Designated Officer for the Local Authority (known as LADO) has responsibility for ensuring that all allegations against adults working with children in Peterborough are managed in accordance with Cambridgeshire and Peterborough Safeguarding Children Partnership Board guidance.

When should the LADO be contacted?

The setting should think carefully about the above criteria for allegations, and whether the allegation made falls into one or more of the three categories of 'harm', 'crime' or 'posing a risk'. If there is any doubt, the LADO should always be contacted for advice as it is often unclear initially how serious an allegation might be.

Action to take upon hearing an allegation against an adult who works with children

There are likely to be two parallel processes, one relating to the management of the allegation against the adult(s), and the other focusing on the child(ren).

It is important that the person to whom the allegation is disclosed listens carefully and accurately and records what has been said.

There must be no discussion, particularly not with the alleged perpetrator(s) and no attempts to investigate the matter.

Any such action may potentially undermine future formal investigations.

It is equally important to ensure the safety of the child(ren) concerned, to ensure a medical assessment/intervention is implemented, as needed, and to secure any forensic evidence.

All actions and discussions should be accurately recorded. At this stage the welfare and safeguarding of the child(ren) is paramount.

How do I refer an allegation?

Inform the Ofsted Registered Person or Senior manager if they are not available* who should:

- Contact the LADO, who will make a decision about all further action required
- Notify Ofsted

* If the Registered Person or senior manager is the alleged perpetrator, the person informed of the allegation should seek advice immediately from the LADO **without** alerting the perpetrator.

There may be up to three strands the LADO will consider in the event of an allegation being made:

- A police investigation of a possible criminal offence
- Enquiries and assessment by children's social care about whether a child is in need of protection or services
- Consideration by an employer of disciplinary action in respect of the individual.

Guidance about information sharing

If the LADO decides that the matter has met the allegations threshold, they will email the referrer a written referral form and request that it is completed and returned as a priority. The form will enable the LADO to ensure all the essential information is recorded.

The LADO will give guidance about what the adult should be told, at what stage and by whom.

It is important to give due consideration to the confidentiality of the adult and therefore details of the matter should not be disclosed or discussed with colleagues or outside agencies.

The LADO will advise what information should be disclosed to the child(ren)'s family.

It is important not to compromise any formal investigation or breach confidentiality by staff disclosing information in an unplanned way without due consideration under allegations procedures.

What happens next?

If the allegation leads to a police investigation, the LADO will chair an Allegation Management Meeting (AMM). The focus of an AMM is on the adult(s) against whom the allegation has been made. Depending on the circumstances of the case, the LADO will decide who is to attend the meeting, this will probably include: the employer, Safeguarding Lead within the Early Years Team, Ofsted, Police and Children's Social Care. Alleged perpetrators do not attend AMMs. The full meeting notes must **never** be shared with the alleged perpetrator, the LADO will prepare a redacted summary with third party information removed, if this is required.

It is important that as much information as possible about the adult is available to the AMM. This is essential in order to assess risk appropriately. The LADO therefore needs details in writing, prior to an AMM, of the accounts of the allegation taken at the time, of the adult's records in terms of any previous allegations or concerns (if known), and how these were dealt with, of any training undertaken and when, of any other issues with the child or person making the allegation, and so on.

The adult may be suspended from working or volunteering in their setting, pending the outcome of police or internal enquiries and it will be agreed during the AMM how and by whom the adult is offered appropriate support during the process.

What happens following the investigation?

The outcome of a police investigation may be a prosecution.

If there is no further action resulting from the police investigation, or a police investigation was not required, then the employer of the adult will be required to undertake an internal investigation. This will identify what disciplinary action, if any, is required. Decisions may include, for example, immediate re-instatement of the adult, additional training, management advice and support, a formal warning or dismissal and de-registration (if applicable). Support and advice for the employer can be obtained if required from the Early Years Team.

If the outcome of the internal investigation is that the adult is dismissed, then a referral must be made to the Disclosure and Barring Service (DBS). The LADO will retain records of the entire process.

Useful contact details:

LADO: Tel 01733 864038 Email lado@peterborough.gov.uk

Annie Hornsby Safeguarding Lead Early Years Team:

Mob 07920 160 209

Email annie.hornsby@peterborough.gov.uk

Allegations against a person who works or volunteers with children, what to do next flow chart

The person receiving the allegation should:

- Make sure children are safeguarded
- Write down what has been said and record the circumstances in which the allegation was made.
- Report the matter to the registered person or a senior manager immediately. (If the allegation made is about the registered person or senior manager you must not alert this person an allegation has been made).

Do not ask any leading questions or attempt to investigate

The Registered Person/Senior manager should:

- Confirm children are safeguarded
- Consider if the allegation meets the criteria for LADO (see LADO guidance)
- Obtain the written account which has been prepared by the person to whom the allegation was made.
- Record details of any potential witnesses
- Record the details of any discussions and the rationale for any decisions that have been made about the child/ member of staff
- Refer to LADO within 1 working day of allegation being made

You should not attempt to Investigate the allegations as this may prejudice any criminal investigation

The LADO and the Registered Person/lead person for safeguarding will:

- Confirm that children have been safeguarded
- Consider whether further information is needed
- Discuss details of the allegation into account thresholds for LADO involvement
- Determine whether there is sufficient evidence or information that establishes that the allegation is unfounded or false
- Determine whether multi-agency investigation of allegation and/or risk of harm to child is indicated
- Consider whether suspension of the individual is indicated, if the agency/ organisation has not yet made this decision