



Guidance

for

Managing Allegations of Abuse Against all Adults Working With and Looking after Children in Early Years and Childcare Settings

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Kingston
Children & Young People's Trust
Making a Difference Together



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Guidance for Managing Allegations of Abuse Against all Adults Working With and Looking After Children in Early Years and Childcare Settings

(Including providers of day care and/or early year's education employed by the Local Authority)

Introduction

All incidents or allegations of abuse of children should be taken seriously and treated in accordance with Kingston Local Safeguarding Children's Board safeguarding procedures and London Safeguarding Children Board's procedures in managing allegations against adults working with children, in line with the spirit of Working Together. All settings and childminders must have a procedure for handling such allegations, which is consistent with these procedures.

There should be clear written policies and procedures in place which are well publicised to service users (parents, children and young people and others) and which are supported by training and supervision. 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 settings must have an appropriately trained, designated person for child protection, in line with Local Safeguarding Children Board's requirements. Childminders 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 their household.

In all allegations there are 3 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

Whistle-blowing

Each setting should have a well-publicised Whistle-blowing Policy to inform staff and volunteers about their responsibilities to report suspicions of abuse.

A Whistle-blowing Policy will ensure that all adults are clear about what to do if they are concerned about the behaviour of any other adult in the setting, including any managers or the registered person. The policy should make it clear that all allegations or concerns must be reported straight away.

What is an allegation?

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

An allegation is defined as any complaint or concern that might indicate that a person:

- has harmed a child or put a child at risk of harm
- has displayed behaviour involving or related to a child that might constitute a criminal offence, or
- has behaved in a way that raises concern about the adult's suitability to work with children.

What do I do when an allegation has been made?

Follow the procedure detailed in the flowchart "Allegations of abuse made against an adult in a setting – What to do" (Appendix A, page 10)

When dealing with allegations/reports of abuse:

- ensure the immediate safety of the child/ren and other children who may be affected
- seek necessary medical treatment without delay
- clarify exactly what is being alleged, by whom and whether there were any witnesses; the allegation may range from an act of carelessness to deliberate assault. Record the person's account accurately
- record in writing the time, place and details of the incident and any action. Sign and date the record.

Even apparently false allegations must be taken seriously as they may indicate disturbance or dysfunction in the child or family.

It is important that the manager/registered person or any other member of staff does NOT start to investigate the allegation. Keep any discussions with the alleged perpetrator 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 alleged perpetrator to the allegation.

It is not a manager's or registered person's responsibility to assess whether a child protection allegation is substantiated.

When an allegation has been made:

- consider that potentially a crime may have been committed and that it is essential that any evidence is not contaminated
- inform the registered person (unless they are the alleged perpetrator), Ofsted and the **Local Authority Designated Officer (LADO)**
- it may be necessary to suspend the worker from all duties immediately, until the investigation identifies the level of risk. Explain to the worker that suspension is a 'neutral act', which does not imply guilt, and that this action is necessary to protect all concerned, including the worker (who should not be given details of the allegation at his stage).

If a child or young person makes an allegation:

- explain to the child/young person that his/her statements will be taken seriously but cannot be kept confidential and will be investigated
- Explain to the child/young person what steps will be taken.

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

How do I deal with the alleged perpetrator?

The procedures of allegations of abuse made against an adult in a setting should cross reference disciplinary procedures. Incidents of poor practice or incompetence may be dealt with under normal disciplinary procedures without referring the matter to the LADO. You may feel that you have no choice but to suspend the accused member of staff, but this should not be an automatic reaction. Check first to see whether the allegation is obviously 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 this judgement, not your opinions of the alleged perpetrator.

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 is not appropriate to keep a member of staff at work. If suspension is necessary, you have a duty of care to your employee and should make support arrangements available. The support person should not be directly involved in the investigation or the management of disciplinary proceedings. In discussion with the LADO, ensure that the employee is kept appropriately informed about the progress of the investigation.

Perpetrators of child abuse 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. Do not sack the employee without investigating or referring the complaint. You may wish to seek advice and support from a specialist in employment law.

Kingston Early Years Advisory Team (contact details on page 9) is able to support you through the process. The team can help you to access professional legal advice and to implement it.

Keep a full record of allegations made, details of how the allegation was followed up and resolved and a note of any 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 judgement.

How do I report an allegation?

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

- Local Authority Designated Officer (LADO)
- Ofsted

Refer to the flowchart "Allegations of abuse made against an adult in a setting – What to do" (Appendix A, page 10)

- If an allegation of abuse has been made against a member of staff or volunteer, the manager/supervisor will follow the procedures of "allegations of abuse made against an adult in a setting".
- If an allegation of abuse is made against the manager, then another designated member of staff should report the matter directly to the registered person who will then follow the procedures of "allegations of abuse made against an adult in a setting".
- If an allegation of abuse is made against the registered person, the manager or a designated member of staff will then follow the procedures of "allegations of abuse made against an adult in a setting".

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 the LADO and formal procedures will follow, in which the setting will be included.

What do I say to parents?

There is rarely any need to inform parents of children not involved in the allegation. When considering informing the parents of the victim, it is important to take advice from the LADO. H/she will be able to advise you about information sharing with parents. In all cases, you will need to consider whether the welfare of the child would be put at risk by informing his/her parents. All details of the incident, including information given to parents, should be recorded and stored as a confidential record. The alleged perpetrator has a right to confidentiality and privacy whilst any investigation is in progress. Details should not be divulged to any third parties. The parents of the victim should be informed of the general process and outcome.

What is the role of Ofsted?

The police or local authority may decide not to pursue an investigation because of lack of evidence. However, your setting may still face enforcement action from Ofsted, if it considers your systems, policies and procedures are inadequate. Ofsted has the power to suspend registration at any time, 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 police decide that the allegation requires further investigation?

If there is agreement that the allegation requires further investigation then a Complex Strategy Meeting will be convened and they will decide who should attend the meeting.

Refer to the poster "Allegations of abuse made against an adult in a setting – What to do" (Appendix A)

The multi agency strategy meeting will agree on further actions, who has responsibility for these actions, their timescales and what records are to be made. Decisions will include a recommendation 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. The strategy 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, 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. Get professional advice and guidance from your insurance company and Kingston Early Years Advisory Team.

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 well founded and a member of staff dismissed, resigns or their service is discontinued, **the LADO will advise you about which agencies need to be informed so that they can decide whether or not the person should be prevented from working with children in the future.** If the accusation is proved to be malicious, appropriate action will depend on the source. Where a member of staff makes a false accusation, consider whether disciplinary action is appropriate. You do not want to undermine 'whistle-blowing' even if it is misguided but false accusations need to be addressed.

Providers should retain records of **all** allegations of abuse made against staff members or volunteers. Keeping accurate 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.

Remember Kingston Early Years Advisory Team can offer support, advice and guidance at this time.

How do I create a safe environment?

Remember prevention is better than cure. You can take steps by:

- adopting safe and robust recruitment procedures (See separate guidance on Safe Recruitment Practices)
- maintaining open communication between management, staff, parents and children
- creating a physical environment with no dark corners or unnecessary closed doors
- establishing a culture of trust and honesty
- ensuring that staff regularly update their child protection training
- including all procedures and the setting's ethos for the safety of children and young people in staff induction
- regularly discussing, monitoring and reviewing policies and procedures in whole staff meetings.

Contacts for Referrals

Safeguarding Services - office hours (8.45am - 5pm Monday – Thursday; 8.45am – 5.45pm Friday)

0208 547 6587

Social Care Services - Outside office hours

020 8770 5000

LADO

Local Authority Designated Officer

020 8 547 5243

Ofsted

Office for Standards in Education

08456 404040

LSCB

Kingston Local Safeguarding Children Board

www.kingstonlscb.org.uk

Kingston's Childcare Development Advisers

Daycare, pre-school, crèches

020 8547 6579/44

Out of School care

020 8547 6585

Childminding

020 8547 6578/84

Early Years Advisory Team

020 8390 5215

For further information, please refer to the Department for Children, Schools and Families (DCSF) publication: "Guidance for Safer Working Practice for Adults who Work with Children and Young People" (November 2007)

Allegation of abuse made against an adult in a childcare setting - What to do...

Parents should always complain directly to the childcare setting. The setting must inform Ofsted of any complaints or significant incidents and then follow the procedure below:



