



Staff Concerns and Allegations Policy

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Canterbury Road Nursery

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Peppermint Centre Nursery

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Local Authority Designated Officer (LADO)

Steve Hall Croydon Senior LADO: 020 8726 6000 Ext 24334 or 07825 830328
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Jane Parr Croydon LADO: 020 8726 6000 Ext 24817 or 07716 092630
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Ofsted: 0300 123 1231

A copy of this policy can be obtained from the Nursery Offices or from our website. This policy will be reviewed annually or when changes arise.

The Management of Allegations against Staff who work with Children and Young People

All organisations providing services to children must ensure that those who work with or on behalf of children and young people are competent, confident and safe to do so. Likewise, anyone who comes into contact with children and young people in their work has a duty of care to safeguard and promote their welfare.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them.

Allegations may be misplaced or malicious. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that a clear process exists for the investigation and resolution of allegations made for the benefit of all concerned.

Who is covered by the allegations against staff process? This process covers all persons working within the children's workforce in either a paid or unpaid capacity and includes volunteers and foster carers. This includes anyone working in a health, education, social care or voluntary sector service setting as well as any other service provided to children.

Who is responsible for the allegations against staff process in Croydon? The process is managed by Croydon's LADO (Local Authority Designated Officer). All local authorities must have a LADO who is responsible for:

- managing individual cases
- providing advice and guidance
- liaising with police and other agencies
- monitoring progress of cases for timeliness, thoroughness and fairness

What are the responsibilities of organisations providing services to children? All organisations who provide services to or for children must have an appointed Designated Senior Officer (DSO) who has responsibility for ensuring that procedures are in place for dealing with allegations against staff and will be the person to liaise with the LADO. At A2O, the DSO's are as follows:

Concern/allegation regarding	Designated Senior Officer (DSO)
Employee – Nursery & Head Office	Early Years Manager
Early Years Manager	Chief Executive
Chief Executive	Chairperson
Chairperson	Trustee & Chief Executive

All staff must be aware of who the Designated Manager(s) are within the organisation.

Who makes allegations against staff? Allegations may be made by children, their parents, colleagues or others.

When is it necessary to contact the LADO? Allegations may relate to concerns about neglect, physical, sexual or emotional abuse or the use of restraint not permitted by law or guidance. The LADO can also be contacted for advice regarding concerns or suspicions about behaviour towards children by staff within Croydon's children's workforce. **If in doubt contact the LADO.**

All allegations that meet the following criteria must be reported to the LADO. Where it is alleged that someone has

- Behaved in a way that has harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved in a way that indicates they are unsuitable to work with children

What is the timeframe for reporting concerns to LADO & Ofsted? As advised in May 2023, concerns should be reported to LADO **within 24 hours** of receiving an allegation against a staff member. Settings must inform Ofsted after they have contact the LADO. ***No investigation should be carried out by the DSL before contacting OFSTED or Lado in the case of staff allegation.***

What happens when the LADO is contacted? The LADO will complete an initial evaluation and provide advice regarding the pathway to be followed to resolve the allegation. This will be based upon the LADO's view of the allegation and whether it meets the threshold.

What are the possible options for following up an allegation? The LADO will decide whether the allegation made is a potential criminal offence in which case a referral will be made to the police.

If the allegation indicates a child or children may be at risk of significant harm then a child protection investigation will be undertaken by Children's Social Care. In these circumstances a Strategy Meeting is likely to be convened to share information about the allegation and plan the investigation and any actions needed to protect children. This meeting will be attended by the police, social workers and senior representatives from the organisation concerned. The subject of the allegation is not invited to attend but should have some feedback after the meeting takes place, subject to this not compromising any investigation.

If the allegation does not indicate a potential criminal offence or child protection issue the matter may be passed back to the organisation managing the staff member to resolve under their staffing, through disciplinary process or as a complaint. In some circumstances, where the concerns relate to the level of care provided, it may be appropriate for a strategy meeting to consider how best to support the organisation in addressing these concerns.

What information will parents be told? Parents should be told at the earliest opportunity if their child has made an allegation or there is a concern that they may have been harmed by someone working with them. Parents should be kept informed during the investigation process and be told the outcome.

How will children be assisted during the process? Children should be given the opportunity to share any concerns they have about their care and should be supported throughout the investigation process. They should also be told the outcome and provided with further support if required. The Strategy meeting will identify who will provide support to the child/children and their families during the process and if appropriate afterwards.

Can parents and children refer directly to the LADO? In most circumstances concerns should be raised directly with a senior member of staff within the organisation (not the person who is the subject of the allegation). There will of course be occasions when the concerns will be reported to a third party, who is another professional working with the child or family. In order to maintain impartiality and independence, the LADO will not ordinarily communicate directly with the child and their family or with the person against whom the allegations are made.

What happens if I am subject to an allegation? Your manager will contact the LADO for advice. This will include when it is appropriate to share details of the allegation with you and who will be investigating it. You should be offered information about support during the process, this may be via your union representative and a named individual within your workplace or your professional body. It is acknowledged that being subject to an allegation is a very stressful process. Your GP may also be an appropriate source of assistance.

Allegations may also relate to events in a staff member's personal life, for example that their own children have been subject to a child protection investigation. In these circumstances the LADO will consider whether the staff member's employer needs to be contacted and this information shared. The employee should be consulted about this and have the chance to tell their employer themselves unless the situation is urgent in which case the information may be shared immediately.

Should the subject of an allegation be suspended? Decisions about suspension are made on a case by case basis and depend on the nature and seriousness of the allegation. Whilst the LADO can offer advice only an employer may make a decision to suspend a staff member. Many people subject to allegations are not suspended although their working arrangements may be adjusted whilst the matter is followed up. If a decision is made to suspend an employee, this will be done on a no blame basis whilst investigations are conducted.

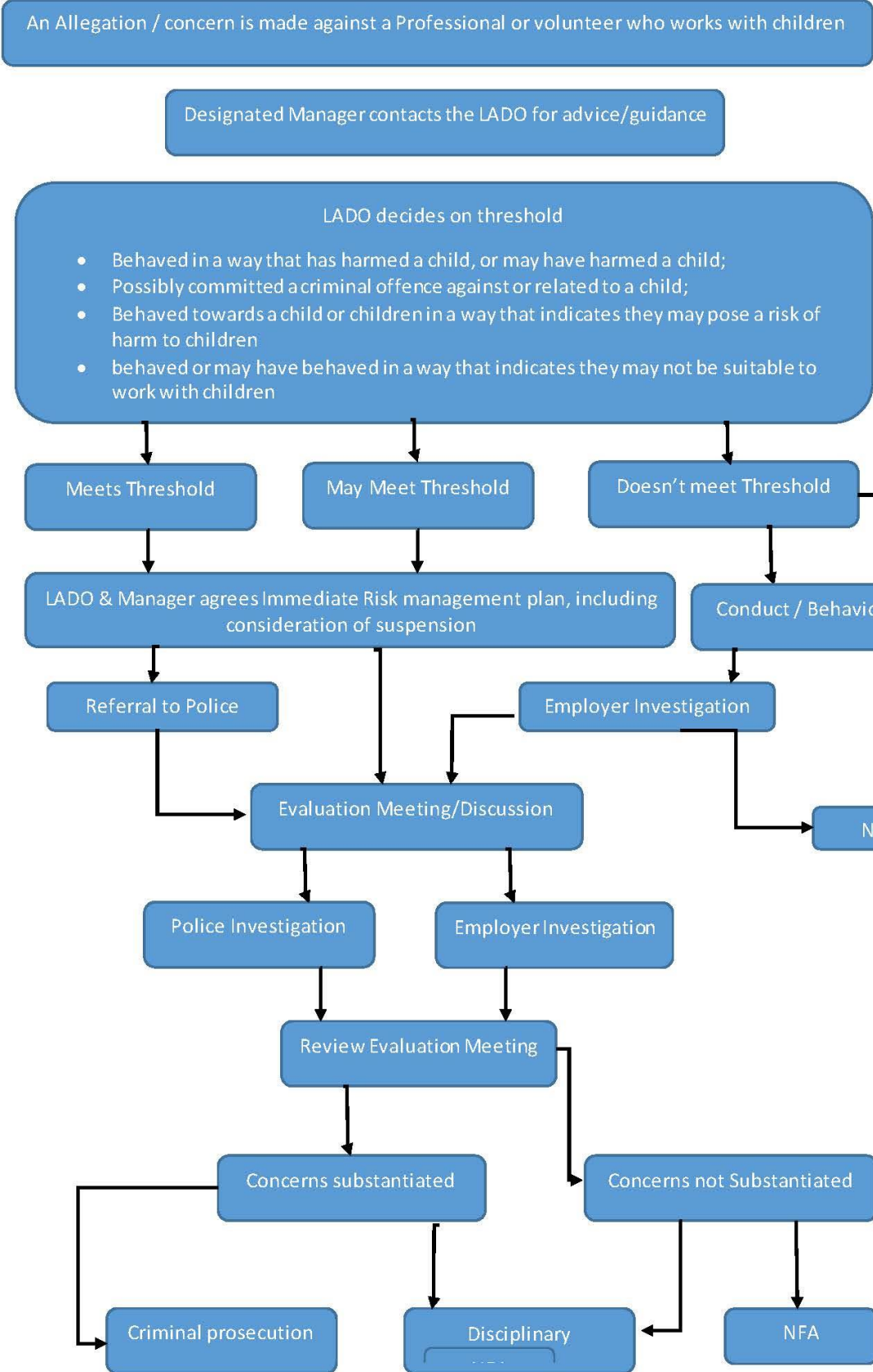
How long will an allegation take to investigate? It is important that allegations are investigated as quickly as possible for all concerned. Initial evaluations by the LADO begin immediately and initial advice is given within a few days and usually concluded within a month. More complex investigations or those involving the police can take longer but the LADO is expected to monitor these for timeliness and assist in resolving delays where possible.

What happens at the end of the process? Whichever process used to investigate the allegation (ie criminal, child protection or employer based) will be expected to form a conclusion about the concerns raised based on the available evidence. Following most allegations staff return to the work place and where this is decided support should be offered to enable this to happen successfully. If it is concluded that someone working with children has harmed a child or is unsuitable to work with children it is possible they will be dismissed by their employer and in these cases a referral will be made to ISA (the Independent Safeguarding Authority) to consider whether this person should be barred from working with children. Whatever the outcome the LADO will assist the organisation in which the allegation occurred regarding any lessons to be learnt and ways in which safer working arrangements can be improved.

What records will be kept regarding allegations?

It is a requirement that a summary of any allegations made and the outcome of any investigation is kept on the HR file of the person concerned. This record should be kept for 10 years or until retirement whichever is the sooner. Other records may be held by agencies involved in investigating allegations. Information about what information should be disclosed in references can be obtained via the LADO on the phone number above.

The LADO Process



Restricted
NOT TO BE DISCLOSED TO ANY PERSON WITHOUT THE EXPRESS PERMISSION OF THE
CHAIRPERSON
CROYDON CHILDREN'S QUALITY ASSURANCE AND SAFEGUARDING SERVICE
ALLEGATIONS AGAINST ADULTS WHO WORK WITH CHILDREN
Referral Form

Date of Referral:

Details of referrer		
<i>Employer/ organisation</i>	<i>Position</i>	<i>Address email address and telephone number</i>

Details of alleged Perpetrator			
<i>Name</i>		<i>CRS No</i>	
<i>DOB</i>		<i>Address</i>	
<i>Ethnicity</i>		<i>Gender</i>	
<i>Religion</i>			

Details of Allegation / Concerns (including dates)

Have Police been notified	Yes / No
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Details of alleged perpetrator's employment/organisation			
<i>Employer/organisation</i>	<i>Position</i>	<i>Employer/ organisation address</i>	<i>Employer/ organisation telephone number</i>

Details of alleged perpetrator's family composition							
<i>Surname</i>	<i>First name</i>	<i>ICS</i>	<i>DOB</i>	<i>Gender</i>	<i>Ethnicity and religion</i>	<i>Relationship to alleged perpetrator</i>	<i>Address (including postcode)</i>

Details of children involved in allegation/incident						
<i>Name</i>	<i>ICS</i>	<i>DOB</i>	<i>Gender</i>	<i>Ethnicity</i>	<i>Religion</i>	<i>Special needs/ disability</i>
<i>Legal status (if applicable)</i>				<i>Resident address, if different please also provide home address</i>		

Actions by LADO

Outcome / Decision of LADO

Details of those to be invited to a Strategy Meeting		
<i>Name</i>	<i>Status</i>	<i>Agency Address, Tel No and Email</i>

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Notification of an allegation against a member of staff

Name of organisation	
Address of organisation	
Name of referrer	
Name of Manager/DSL	
Telephone/Email	
Date of referral	

Details of the child/ren	
Name	
Date of birth	
Address	
Is the child known to CSC? If yes, give details	
Any SEN's?	
Name of parents/carers	
Contact details of parents	
Details of any siblings	
Any other professionals? If yes, give details	
Telephone/Email	

Details of member of staff	
Name	
Date of birth	
Address	
Telephone/email	

Position held in the organisation	
Date of employment	
Date of last DBS Check	
Details of any siblings	
Any other known work with children outside of this role?	
Details of any previous concerns?	
Are any children as part of the member of staffs household?	

Witnesses	
Name	
Role	
Contact details	

Witnesses	
Name	
Role	
Contact details	

Witnesses	
Name	
Role	
Contact details	

Description of circumstances and context of the allegation/incident/concern	
Date of incident	
Time	
Place	

Details of Incident

Details of any action taken by referring agency to safeguard children i.e. suspension/medical attention.

If the allegation relates to a member of staff in educational setting, please inform the LADO, within 24 hours, and Ofsted immediately after.

Advice given by LADO

Action taken by LADO

Outcome

Advice given by Ofsted

Action taken by Ofsted

The outcome of any investigation must be recorded and stored. The following definitions should be used when determining the outcome:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disapprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disapprove the allegation. The term, therefore, does not imply guilt or innocence.

Please Note: Early Years Providers, Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

During inspections, Ofsted will check whether there have been any safeguarding incidents or allegations since the last inspection that have either been resolved or that are ongoing.

The purpose of this is to establish whether there is any information that could impact on the judgement of the effectiveness of safeguarding.

Of particular relevance are the questions as to:

- (a) Whether the early years setting, school or further education and skills provider has responded in a timely and appropriate way to concerns or allegations
- (b) How effectively the early years setting, school or further education and skills provider has worked in partnership with external agencies regarding any concerns.