

Guidance for early years and childcare settings

Managing an allegation against a person who works or volunteers with children.

Defining allegations:

This guidance relates to all cases in which it is alleged that an adult who works with children in any capacity (paid or voluntary) have:

- Behaved in a way that has harmed, 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.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The Local Authority Designated Officer (LADO) has responsibility for ensuring that all allegations against adults working with children in Cambridgeshire are managed in accordance with Working Together to Safeguard Children 2018 and Cambridgeshire and Peterborough Safeguarding Children Partnership Board guidance.

When should the LADO be contacted?

The setting should think carefully about the criteria in the box above and whether the allegation 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).

Follow the procedure on the flowchart poster: 'Allegation against a person who works or volunteers with children in a home-based setting... What to do.'

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.

It is important that the person to whom the allegation is disclosed listens carefully and accurately 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.

How do I refer an allegation?

Inform the Ofsted Registered Person* who should:

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

* If the Registered Person 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 in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by children's social care about whether a child needs 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, Senior Adviser Intervention and Safeguarding (Early Years Service), 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 adults 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 Service.

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.

Contact

Cambridgeshire LADO: 01223 727 967

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cambridgeshire.gov.uk