

Allegation of abuse made against a member of staff policy

Policy statement

DMNS expects the highest standards of behaviour from our staff, both within the preschool and outside it, to ensure that children are safe.

DMNS recognises that it is possible for any member of staff, including volunteers, contractors, agency and third-party staff (including supply staff) and visitors to be subject to an allegation. In accordance with WTSC, 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
- 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 above refer to allegations that may meet the harm threshold, whereas there can be lower-level concerns that do not meet that harm threshold, referred to as 'a low-level concern'. This is any concern that an adult has acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and/or does not meet the allegations threshold.

Policy context

DMNS will always follow local and national guidance relating to Safeguarding and Child protection, including but not limited to:

- Early Years and Foundation Stage (EYFS)
- Children Acts 1989 and 2004
- Keeping Children Safe in Education (KCSIE)
- Working Together to Safeguard Children (WTSC)
- Ofsted: Education Inspection Framework
- Framework for the Assessment of Children in Need and their Families
- [Kent and Medway Local Safeguarding Children Procedures](#)
- The Education Act 2002
- The Human Rights Act 1998
- The Equality Act 2010 (including the Public Sector Equality Duty)
- [What to do if you are worried a child is being abused](#)
- [Keeping Children Safe in Education \(KCSIE\)](#)
- [Education Inspection Framework \(EIF\)](#) and 'Early years inspection handbook' Ofsted
- [Guidance for Safer Working Practice for Adults who Work with Children and Young People in Education Settings - Safer Recruitment Consortium](#)
- [Safeguarding children and protecting professionals in early years settings: online safety considerations UK Council for Internet Safety \(UKCIS\)](#)

Further guidance

Further information regarding allegations against staff, the reporting process and investigations can be found:

- [KCC Managing Allegations Against Staff Practice Guidance](#)
- [KCC Guidance for Investigation Reports for all Settings](#)
- [Escalation guidance](#)
- [KSCMP Escalation and Professional Challenge Procedure.](#)
- [Safer Recruitment Consortium Guidance for Safer Working Practice for those Working with Children and Young People in Education Settings](#)

Aims

Our aim is to

- Create a safe environment where children's welfare is paramount at the Nursery.
- Respect and protect adults and children's rights.
- Ensure that all staff are suitable to work in the Nursery.
- Protect staff against malicious allegations.
- Promote an open and transparent culture within the preschool, ensuring everyone feels able to raise any concerns they may have.

This links to our Child Protection Policy which also details information required regarding allegations against staff and should be used in conjunction with this policy, this policy details the outlines of the procedures involved as a quick guide for staff or parents/carers. The Whistle Blowing policy could also be relevant to this policy too.

Other policies to be used alongside this one can be found in the [policy section of our website](#).

All members of staff should familiarise themselves with the LESAS support flowchart to ensure they are aware of the process and where to seek support [LESAS Access to Support Flowchart](#)

Method

DMNS will check and monitor its staff by following safer recruitment processes including:

- Taking references
- The setting will obtain an enhanced check by Disclosure and Barring Service (DBS) in respect of every person aged 16 and over (including for unsupervised volunteers, and supervised volunteers who provide personal care) who:
 - works directly with children
 - lives on the premises on which the childcare is provided and/or
 - works on the premises on which the childcare is provided (unless they do not work on the part of the premises where the childcare takes place, or do not work there at times when children are present).
 - An additional check by the DBS (or checks if more than one country) will also be made for anyone who has lived or worked abroad.
- Monitoring of staff and other adults by Management and leadership teams during sessions and supervisions.

Allegations of child abuse against a member of staff will be treated in strict confidence, normal Child Protection investigatory procedures to be put in force. Please refer to other relevant safeguarding policies including the Child Protection Policy.

All staff will receive copies of every safeguarding policy as part of the recruitment process, plus the induction process as well as receiving updated versions as and when they occur.

Any concerns or allegations about staff will be recorded and dealt with appropriately in line with national guidance (Part four of KCSIE) and the [local Kent allegations arrangements](#). Any concerns will be dealt with swiftly and effectively to protect those involved to ensure potential false allegations or misunderstandings are rectified.

The Manager and Designated Safeguarding Lead at DMNS should be informed on all occasions where an allegation has been made against a member of staff, whether or not you think it is true (unless they are the alleged perpetrator).

Where the manager or DSL are unsure how to respond to an allegation, advice will be sought via the [LADO Education Safeguarding Advisory Service enquiry form](#).

If practitioners are concerned that appropriate safeguarding action is not being taken following an allegation against a colleague, they are advised to follow our whistleblowing process and/or to contact the LADO directly themselves. (See Whistle Blowing Policy)

As a registered provider, we will inform Ofsted of any allegations of serious harm or abuse by anyone living, working, or looking after children at the premises including the disqualification of an employee.

- This will happen whether the allegations of harm or abuse are alleged to have been committed on the premises or elsewhere, for example, on a visit.
- We will notify Ofsted of the action taken in response to the allegations.
- Ofsted will be notified as soon as is reasonably practicable, but in any event within 14 days of the allegations being made.

OFSTED should also be informed as an allegation against a member of staff would be considered a significant event. It may be necessary to suspend the worker from all duties 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 not suspended, the member of staff under investigation will be shadowed by either the Designated Person and in her absence the Manager and under no circumstances will that person be alone with any children whilst the investigation is being carried out.

DMNS will encourage its staff to cooperate with the investigation in any way it can and will act impartially, normal confidentiality procedures will apply to all staff and committee members should they become aware of the circumstances.

All records of concerns will be kept confidential and will be held securely and retained and in compliance with safeguarding requirements, as well as the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) and other relevant policies and procedures (for example HR/Personnel and data retention policies).

In all cases where concerns are reported against staff, once proceedings have been concluded, the manager (and if they have been involved, the LADO) will consider the facts and determine whether any lessons can be learned and if any improvements can be made. The registered person of DMNS will make a referral to the Disclosure and Barring Service if a member of staff is dismissed (or would have been, had they not left the setting first) because they have harmed a child or put a child at risk of harm.

What happens if an allegation of abuse is made against a member of staff in the Setting?

- If anyone makes an allegation of abuse against a member of our staff, the Designated Safeguarding Lead (DSL) will be informed immediately and will contact:
 - The Local Authority Designated Officer Service ([LADO team](#))
 - The Deputy Designated Safeguarding Lead, who will complete this action in the DSL absence.
- They will assess whether the allegation reaches the threshold for referral to Police/Children's Social Services and advise accordingly regarding further action to be taken in respect of the child and the member of staff.
- The DSL will complete the attached form for recording allegations or complaints made against staff.
- The DSL will not discuss the allegation with the member of staff concerned, unless advised to do so by Children's Social Services.
- All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult!
- Where DSL/managers are unsure how to respond to an allegation, advice will be sought via the [LADO Education Safeguarding Advisory Service enquiry form](#).
- If Children's Social Services and/or the police decide to carry out an investigation, it may be possible that we will be advised to suspend the member of staff, whilst enquiries are carried out. DMNS could also invoke their disciplinary procedure.
- We will not carry out an investigation ourselves unless Children's Social Services and the Police decide it is not necessary for them to do so. We understand that Ofsted may wish to undertake further investigations in some circumstances.
- When an allegation has been made against a member of staff, it is important to remember:
 - Immediately safeguard the child or children – this may include making a request for support via the Front Door.
 - Take steps with member of staff to minimise risk in consultation with your HR adviser and in considering welfare support for the member of staff.
 - Notify the LADO within 24 hours by completing the County LADO Service referral form.
 - Check if the member of staff holds any other position, paid or voluntary, within the children's workforce.
 - Take the matter seriously and focus on fact and context.
 - Ensure you know the child's lived experience and record the child's voice.
 - Contact the LADO Enquiries Officer if you need advice or are unsure.
 - You must not speak to the member of staff or take any action about the allegation until you have spoken with the LADO.
 - Do not 'end' investigations if the member of staff leaves or resigns before an outcome has been established.
 - Do not make assumptions or share your opinion.

When using the services portal to make a referral - [Kent Integrated Children's Services Portal](#)

Once completed and submitted a referral then you will receive a notification that it has been submitted.

If you do not receive the notification, then the referral has not been sent correctly to the LESAS.

All key demographics must be filled in correctly to ensure:

- Safeguarding and risk management – if details are missing or incorrect then the LADO Education Advisor will be unable to check if the member of staff has previously been known to the service. Any incorrect or missing details will hamper sharing of information with partner agencies such as the Police and potential known risk factors could be missed.

- The LESAS has no direct link and cannot contact employers for missing or incorrect details, therefore a referral against the threshold of harm may not progress further.
- Incorrect or false information creates false records and any risk the member of staff poses may be overlooked.
- Therefore, any referral received via the portal with information missing will be returned to the referrer via the portal with a request for missing information to be added. The LESAS gives the referrer 3 working days to initiate a response and then if no response has been given the referral will be rejected. A new submission with the correct details will then be required.

Useful Links:

[LADO portal guide](#)

[Submit LADO referral for professionals](#)

[View referral form for parents and carers](#) - This can be e-mailed to: lesasenquiries@kent.gov.uk

[LADO Education Safeguarding Advisory Service \(LESAS\) Enquiry Form](#)

[LADO risk assessment template](#)

[Risk by association template](#)

Always remember - The welfare of the child is Paramount.

How can we protect ourselves?

- If a child sustains an injury whilst in our care, we will record it in the accident book as soon as possible. When the child is collected, we will inform whoever picks the child up about the injury and ensure that they also sign the accident book.
- If a child arrives with an injury sustained elsewhere, we will ask for an explanation and again record this in the accident book and ask whoever has brought in the child to sign the record.
- We will ensure that all staff undertake regular child protection training.
- We will ensure that all parents understand our role and responsibility in child protection. Within the nursery this will be to parents in writing within the prospectus before the child begins to attend DMNS.
- We will try to avoid situations where an adult is left alone in a room with a child. If this does occur, we will make sure that the door is left open and there are other people around.
- We will avoid engaging in rough physical play with children- as this may be misconstrued and could cause accidental injury to a child.
- We will avoid doing things of a personal nature for children that they can do for themselves.
- We will take up references, including one from the candidate's last employer, and will always question any gaps in employment history.
- We will encourage an open-door ethos, to enable staff to talk to senior managers if they have concerns about the conduct of any of their colleagues.

Safeguarding Contacts

The Designated Safeguarding Lead is Mrs Sue Hall

The Deputy Designated Safeguarding Lead is Sandra Fisher, discoveriesmns@gmail.com

Contacting LESAS

If your concern relates to the welfare of a child: contact the Front Door Service via the [Kent Integrated Children's Services Portal](#)

If you need to make a referral to the LADO regarding an allegation against a member of staff: complete a LADO referral via the [Kent Integrated Children's Services Portal](#)

If you need clarification on whether to make a LADO referral, need general education safeguarding or online safety advice, or would like to enquire about training or other safeguarding products: [Please use the LESAS enquiry form](#)

View the [LESAS Access to Support Flowchart](#)

Kent Integrated Children's Services; Children's Social Work Services and Early Help Intensive Support

- [Kent Integrated Children's Services Portal](#) – select 'urgent' if there is an immediate risk/concern.
- Front Door Service No Name Consultation: 03000 411111
- Out of Hours Number: 03000 419191
 - [Kent Support level guidance](#)

NSPCC Whistleblowing help line for advice and support 0800 028 0285 or email help@nspcc.org.uk

Kent Police

- 101 or 999 if there is an immediate risk of harm.
- [Contact your local policing team | Kent Police](#)