

## Managing Allegations Against Adults & Whistleblowing Policy

### Policy Statement

Little Elms is committed to protecting and safeguarding children and consequently, any allegations made against an adult working, volunteering or caring for children at Little Elms will be dealt with without delay in line with the procedures set out by each Local Authority where our nurseries are located.

### What is an Allegation Against an Adult?

All staff should be aware of their duty to raise concerns about the attitude or actions of their colleagues or any adults within the nursery. If you see anyone behave in a way which makes you feel unhappy or uncomfortable, this must be reported to the Designated Safeguarding Lead without delay as a matter of priority.

The following guidelines are meant to act as a prompt as to what *may* constitute unacceptable behaviours or attitudes from adults but **they do not constitute an absolute guide**. It is therefore important to use your own judgment as well as this guide to aid you in recognising unacceptable behaviours, actions or attitudes.

Behaviours, actions or attitudes which are unacceptable and therefore, you must report to the Designated Safeguarding Lead include but are not limited to:

- *The raising of a voice to a child(ren)*
- *Using a tone or pitch of voice which is mean, unkind, sarcastic or superior*
- *A member of staff losing their patience with a child*
- *Pulling or pushing a child (by the arm, leg or other body part)*
- *Forcing children to walk or move faster than they are able*
- *Physically and forcibly sitting a child down on the floor or into a chair*
- *Lack of patience or understanding for one child in particular*
- *Forcibly making a child eat or drink*
- *Using language or behavior that indicates prejudice or extreme views of any nature*
- *Using language or engaging in discussion that is foul, inappropriate or offensive*
- *Intimidating, bullying, excluding or isolating a child(ren)*
- *Showing favoritism towards a child(ren)*
- *Being overfamiliar with a child(ren) or showing unnecessary and/or inappropriate affection*
- *Actively creating or frequently engaging in opportunities to gain lone access to a child(ren)*

### Immediate Response Procedure

The most important thing at any stage where you identify concern about an adult's attitude, actions or behaviour towards a child(ren) is to ensure the safety and wellbeing of the children in the nursery. With this in mind, the following steps need to be taken as soon as the concern is identified:

1. Takeover from the adult – if you observe an adult act in a way towards a child that gives you cause for concern, the first step is to take over the care for the child(ren) in question. Depending on the circumstances, it may be appropriate that you ask the adult to leave the room to 'take 5 minutes'.
2. Once you have ensured the immediate safety and wellbeing of the child(ren), you must then document what you observed clearly on an Adult Concern Form (Part 1).
3. Finally, you must make the Designated Safeguarding Lead in the nursery aware of your concern as soon as possible and give them the completed Adult Concern Form (Part 1).
4. **If you feel at any point that the adult poses a risk of harm to children, you must call the DSL immediately.**

The Designated Safeguarding Lead will then take the necessary steps to identify further actions in response to the concern which has been raised.

## **Designated Safeguarding Lead Response Procedure**

Once the Designated Safeguarding Lead has received information about a concern relating to an adult, they will need to determine the best way forward in line with their Local Authority procedures for managing allegations.

The DSL must consider the following as an immediate response to the concern being raised:

- *Based on the information you have, should the adult be removed from the playroom to safeguard the children, and the adult?*
- *Do you need to seek more information/clarification from the person who raised the concern about the information shared and documented on the Adult Concern Form?*

### **At this stage, DO NOT INVESTIGATE – this includes:**

- Speaking to other people (aside from the person who informed you of the concern)
- Watching CCTV
- Talking to the child/parent
- Alerting the individual to whom the concern has been raised against that a concern has been raised

Initially, the DSL should call the Head of Operations to inform them of the concern and advise that the DSL will be contacting the Local Authority Designated Officer (LADO) to seek advice. As part of our statutory duty, we seek advice from the LADO for all allegations made against an adult and follow their advice. The DSL should contact the LADO and share all of the information with them.

### **Local Authority Designated Officer**

It is a requirement for each Local Authority to appoint a Local Authority Designated Officer who is responsible for the following in matters relating to allegations against an adult:

- Provide advice and guidance to employers and voluntary organisations.
- Liaise with the police and other agencies.
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

The LADO will determine and advise the DSL whether the allegations has met their threshold which is as follows:

- 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.

Following advice from the LADO, the DSL must inform the Head of Operations of the advice/outcome shared by the LADO and the DSL and the Head of Operations will act in accordance with the advice given.

The DSL must then complete an Adult Concerns Form (Part 2) which will need to be updated regularly throughout the next stages of the process.

In the event the LADO advises that the nursery undertake an investigation, the following steps will be taken by the DSL:

- Inform HR Manager of the concern and advice given by LADO, sending to them all existing documentation surrounding the concern.
- HR Manager will offer the DSL advice on the investigation to be undertaken.
- The investigation will be undertaken sensitively and without delay.

- **Pause the investigation immediately** if any further allegations are brought to light, or the initial allegation is determined to be more serious or significant following an internal investigation and a call made to LADO to share the information and to seek further advice.

If LADO decide to call a conference strategy to decide who should complete the investigation the Head of Operations will be the person to identify who is best to attend on behalf of Little Elms.

### **Disclosure and Barring Service**

Where required, following the investigation and outcomes, a referral may need to be made to the Disclosure and Barring Service. This will be determined by the Head of Operations with any advice given by the LADO.

#### **Head of Operations to complete DBS Referral Form and send to:**

Disclosure & Barring Service, PO Box 3963, Royal Wootton Bassett, SN4 4HH

### **Notification to Ofsted**

In accordance with the Ofsted Early Years Compliance Handbook, we are required to notify Ofsted of any incidents relating to the following statement:

- *Allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere) and the action taken in respect of these allegations.*

The requirement to notify Ofsted will be determined by the Head of Operations alongside advice from the LADO.

In the event it is determined a notification to Ofsted must be placed, this must be completed by the Nursery Manager and shared with the Head of Operations who will review to ensure the accuracy of the information being shared prior to the notification being placed.

All notifications to Ofsted must be placed as soon as possible and no later than 14 days from the date any concern was brought to the attention of the DSL.

### **Staff Member Chronology**

It is essential that Designated Safeguarding Leads collate all concerns relating to a staff member so that they have a full picture of the overall staff members suitability.

The Staff Member Chronology will be completed by the DSL for any staff member whereby there have been concerns raised.

The Staff Member Chronology MUST include, but is not limited to the following:

- Record of Conversations
- Allegations Against a Staff Member
- Formal Warnings
- Complaints Raised Against a Staff Member

### **Final Documentation**

All documentation relating to the concerns, including any email correspondence, completed concern forms, file notes, disciplinary and investigation notes must be stored securely and accessible to the Designated Safeguarding Lead.

It is the responsibility of the DSL to ensure the Adult Concerns Form (Part 2) is completed in full and records the concern has been dealt with satisfactorily.

## Whistleblowing

In addition to the above procedure regarding an allegation against an adult, there may be other situations that arise which require adult intervention in the way of whistleblowing.

The following gives example of when the whistleblowing procedure should be followed (this does not include allegations against an adult which follows the process detailed above):

- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010)
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment, has been, is being, or is likely to be damaged
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.

## Disclosure Procedure

Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to your manager (i.e. because it relates to your manager) you should contact the Company Confidential Whistleblowing Line on 07561 691839.

Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner.

Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal.

Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal.

Any management employee who inappropriately deals with a whistle blowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.

We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children's social care team and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

## *Associated Documents:*

- *Adult Concern Form (Part 1)*
- *Adult Concern Form (Part 2)*
- *Managing Allegations Flowchart*
- *LADO Contact Information*
- *Staff Member Chronology*