

# Newton-le-Willows Primary School



## Managing Allegations Against People who work with Children and Young People.

<b>Status:</b>	<b>STATUTORY</b>	
<b>Responsible Person/People:</b>	Mrs Chisnall Mrs. McCormack Mrs Branch, Mr. Ibbotson, School Staff	
<b>Responsible Governor:</b>	Mrs. Charleston	
<b>Approved by:</b>	<b>Signature:</b> <i>Gary Limb</i>	<b>Date:</b> Autumn 2024
<b>Last reviewed:</b>	Summer 2024	
<b>Next review due:</b>	Autumn 2025	

# **St Helens Safeguarding Children Board**

## **Procedure for Managing Allegations Against People who work with Children and Young People**

### **1. Who should use these procedures?**

These procedures should be used by all organisations where people work with or care for children and young people in a paid or voluntary capacity. It also applies to staff or volunteers who come into contact with children through their work.

This includes organisations that use the services of volunteers, people who are self-employed as well as service providers, voluntary organisations, employment agencies or business, contractors, fostering services, regulatory bodies, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue to use the person's services, or to provide the person for work with children in the future, or to deregister the individual.

In some circumstances this may encompass more than one organisation e.g. where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor and/or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

### **2. Background information**

#### **Concerns about a staff member, supply teacher, volunteer, visitor or contractor**

If you have concerns about a member of staff (including a supply teacher, volunteer or contractor), or an allegation is made about a member of staff (including a supply teacher, volunteer, visitor or contractor) posing a risk of harm to children, speak to the Headteacher as soon as possible. If the concerns/allegations are about the Headteacher, speak to the Chair of Governors (Mr. Limb).

The Headteacher/Chair of Governors will then follow the procedures set in line with detailed guidance for agencies and employers dealing with allegations against people who work with children in Working Together to Safeguard Children 2023, St Helens Safeguarding Children Board procedures and, in the St. Helens, Multi-Agency Safeguarding Adults Policy.

Where you believe there is a conflict of interest in reporting a concern or allegation about a member of staff (including a supply teacher, volunteer, visitor or contractor) to the Headteacher, report it directly to the Local Authority Designated Officer (LADO).

Where appropriate (in relation to Early Years provision), the school will inform Ofsted of the allegation and actions taken, within the necessary timescale (see appendix 1 for more details).

**2.1** The procedures are based on guidance in Working Together To Safeguard Children March 2015, 2018 and 2023. The legal status is that all professionals have a duty to cooperate with this guidance and respond with strong multi-agency partnership working.

All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, can cover a wide range of circumstances.

This procedure should be applied when there is an allegation or concern that a person who works with children, 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 he or she 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 last bullet point above includes behaviour that may have happened outside an organisation that might make an individual unsuitable to work with children, this is known as transferable risk.

An allegation can relate to an adult's behaviour outside work, and their relationships with others, if they:

- Have behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for the possession of a weapon;
- Have, as a parent or carer, become subject to child protection procedures;
- Are closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the adult is responsible in their employment/volunteering.
- Concerns arise about the person's behaviour with regard to his/her own children.
- If an allegation about a child is made about a person who undertakes a role with vulnerable adults consideration should be given to alerting those who manage her/him in that role.
- The procedures can also be applied if a complaint is made against a person in relation to their work with adult service users which causes concern about the welfare of the adult service user's children.

**2.2** There may be up to 3 strands in considering a concern or an allegation:

- A police investigation of a criminal offence.
- Enquiries and assessment by children's social care about whether a child or young person is in need of services, including safeguarding.
- Consideration by an employer of disciplinary action in respect of the individual

Compliance with these procedures should help ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

### **3. Roles and responsibilities**

For convenience the term employer is used throughout to refer to organisations that have a working relationship with the individual against whom the allegation is made.

#### **St Helens Safeguarding Children Partnership (SCP)**

**SCP** has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against the people who work with children and for monitoring and evaluating the effectiveness of those procedures.

- Each member organisation should identify a **Named Senior Officer**. At Newton Primary School, this is Headteacher and in her absence is the Deputy Headteacher.
- The SCP and St Helens Council will appoint a **Local Authority Designated Officer (LADO)**. In St Helens the interim LADO is Fiona Anderson [sthelenslado@sthelens.gov.uk](mailto:sthelenslado@sthelens.gov.uk) The service manager can be contacted on: 01744 671252.

#### **All Employers and Organisations**

- Each employer should identify at least one **Senior Manager** with responsibility for operational issues. At Newton Primary School, this is the Deputy Head Teacher and in her absence in is the responsibility of another member of the Safeguarding Team (Assistant Head Teachers, Designated Safeguarding Leader).

### **Named Senior Officer – Headteacher and in her absence the Deputy Headteacher.**

The Named Senior Officer will have overall responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations.
  - Resolving any inter agency issues that may arise.
  - Liaising with the SCP
- 
- **Senior Manager – Deputy Headteacher and in her absence a member of the Safeguarding Team. (Assistant Head Teachers, Designated Safeguarding Leader).**

Each employer should put in place and operate arrangements for handling allegations in accordance with these procedures.

- All reports of allegations or concerns should be reported to the Senior Manager (Deputy Headteacher).
- The Senior Manager (Deputy Headteacher) should seek advice from the LADO if unclear of the actions to be taken, at any stage in the process.
- The Senior Manager (Deputy Headteacher) or in their absence a member of the Safeguarding Team (as detailed above) should ensure information is gathered according to these procedures.
- If the allegation meets the criteria for investigation (paragraph 2.1) they should report it to the LADO **within 1 working day**. If outside of office hours they should consult Emergency Duty Team (EDT - 0845 0500148) and/or the police. The LADO must be informed the next working day by the Senior Manager.

### **Local Authority Designated Officer – Fiona Anderson**

In St Helens the Safeguarding and Review Managers will manage the work of the LADO with overall responsibility being vested in the Safeguarding Children Manager.

The Unit managers will:

- Be involved in the management and oversight of individual cases.
- 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.

## **4. Recognising an allegation**

An allegation or complaint may arise from:

- A child or an adult.
- A parent/carer.
- A member of the public.
- Professional person or body.

All employers and organisations will/should have policies, procedures and guidance relating to the conduct of employees and volunteers. The procedures should be used to ensure compliance with the procedures. (See Newton-le-Willows Primary School and Nursery Code of Conduct).

The allegation may be that an adult 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 he or she 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.

**This may be in their work capacity or in their private life or may be about the behaviour of their family members.**

## 5. Responding to an allegation or complaint

The person to whom the allegation/complaint is reported should:

- Treat the matter seriously.
- Avoid asking leading questions and keep an open mind.
- Make a written record of the information (where possible using the child's words) including
  - When the alleged incident took place (time and date)
  - Who was present
  - What happened
- Report the matter immediately to the Senior Manager (Deputy Headteacher) or a member of the Safeguarding Team in her absence.
- If the senior manager (Deputy Headteacher) is the subject of the allegation, the complaint should be reported to the Headteacher.

Advice may be sought at any time from the First Response Team if required who are contactable on 01744 676600.

### Initial Action by the Senior Manager

The Senior Manager **should not investigate** the matter by interviewing the accused person, the child, (unless they were the person the child told) or potential witnesses.

The only initial assessment at this stage would be to clarify the context of the allegation i.e. to determine if the incident could have happened.

The Senior Manager (Deputy Headteacher) should:

- Obtain the written details of the allegation, signed and dated by the person receiving the allegation/complaint.
- Countersign and date the written details.
- Record any other information and names of any potential witnesses.
- Record discussions about the child and/or member of staff, any decisions made, and the reason for these decisions.
- If the allegation meets any of the criteria in 2.1 and 2.2 the Senior Manager (Deputy Headteacher) **must report it to the LADO within one working day**. This should not be delayed while information is gathered.

If the allegation/complaint constitutes a child protection matter immediate referral should be made to Children's Social Care through the First Response Team on 01744 676600 or outside of normal office hours the Senior Manager (Deputy Headteacher) should contact the Emergency Duty Team (EDT) on 0845 0500148.

The LADO must be informed the next working day by the Senior Manager regardless of immediate action taken. At any stage the child has a right to make a formal complaint and consideration should be given to how they should be informed of this – this should be considered in the context of the allegation and the needs of the child.

## 6. Responding to a complaint/allegation made to the Police

If the Police receive a complaint/allegation it should be reported to the Police Family Crime investigation Unit who should inform the LADO immediately or as soon as possible the next working day.

## 7. Responding to a complaint/allegation made to children's social care

If the complaint/allegation is received by children's social care the responsible Team manager should report it immediately to the LADO or as soon as possible the next working day.

## 8. Initial Consideration by the Senior Manager (Deputy Headteacher) and the LADO

The Senior Manager (Deputy Headteacher) and LADO should:

- Establish that the complaint is within the scope of these procedures.
- Verify whether there is evidence or information that establishes that the allegation may be unfounded and requires further consideration.
- Consider whether more information is required.
- Consider the need for immediate action – Safeguarding, Human Resources action and/or liaison with the police.

The LADO will inform the employer/senior manager of reports made via the Police and Children's Social Care.

The LADO will advise the senior manager (Deputy Headteacher) on when and how to inform the employee of the complaint/allegation.

## 9. Strategy Discussion and Initial Evaluation Discussion

If the original allegation falls within the scope of these procedures a strategy meeting must take place **even if a child has said they do not want to make a formal complaint or if they wish retract the allegation**. The strategy meeting may in some cases be brief but it will document discussions and decisions and the reason for them, including those cases where no further action is needed.

The Police should be informed of any case in which a criminal offence may have been committed. (Whether the child wishes to make a complaint or not).

If there is evidence which suggests the allegation could be substantiated and there is cause to suspect that a child has suffered or is likely to suffer significant harm, the LADO should advise that an immediate referral is made through the First Response Team to Children's Social Care. A strategy discussion should then be held.

If there is no evidence of significant harm to a particular child/children, e.g. in pornography cases, but a police investigation might be needed, the LADO should inform the police immediately and initiate an initial discussion with the Police, employer and other agencies involved with the child to evaluate the complaint/allegation and decide how the case should proceed.

Where the threshold has not been met and the police and social care will not be involved in further inquiry the LADO and Senior Manager will be required to agree appropriate action to conclude and record this part of the process.

A strategy discussion or initial evaluation may take the form of several phone discussions which should be recorded.

## 10. The Strategy Meeting

The meeting should take place within **5 working days** of the allegation being received wherever possible. A manager from the Safeguarding Children Unit will chair the Strategy Meeting, ensure appropriate staff are invited and ensure there is a minute taker.

Invitees to this meeting should be kept to a minimum. It is solely for the purpose of planning the next actions, only professionals agreed as relevant by the Safeguarding Children Unit manager should be invited. This will not include family or carers or all professionals working with the child.

Participants should be sufficiently senior to contribute all relevant available information regarding the complaint/allegation, the child, the accused person and make decisions on behalf of their agency.

When arranging the meeting the manager may advise the following are invited:

- Relevant social worker and team manager.
- Foster care or adoption social worker when the allegation is about a foster carer.
- Police.
- Senior Manager for the employer/establishment concerned.
- Senior member of employment agency or voluntary organisation.
- Those responsible for regulation and inspection e.g. Ofsted.
- Human resource representative.
- Medical practitioner with specialist knowledge.
- Local Authority responsible for the child if placed in St Helens by another authority.
- Legal representative.
- Children's social care if they are involved with the child or have a contribution to make.
- Adults social care, where appropriate.

Suggested agenda for the Strategy Meeting:

It is important to differentiate information about the child and the adult throughout the meeting and in recording as this information may be shared in HR settings when the child's confidentiality should be kept.

### **The adult**

A review of the 4 criteria:

- 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 he or she 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 child/children and Safeguarding Action**

- Ensure that arrangements are in place to protect the child/ren involved and any other children affected, including taking emergency action where needed.
- Consideration of what support should be provided to all children and their carers who may have been affected directly and indirectly.
- Consideration of the need for a section 47 inquiry (Children Act 1989) and/or police investigation and the implications.

### **Decisions and Planning**

- Consideration of whether any parallel disciplinary process should take place.
- Consideration of whether a complex abuse investigation is applicable
- Scope, plan and allocation of tasks for the agreed enquiries including who will be the investigating officer where appropriate.
- Decision about what information can be shared, with whom and when.
- Consideration of what support should be provided to the person against whom the complaint/allegation has been made and others who might have been affected.
- Ensure that investigations are sufficiently independent.
- Decision on arrangements to inform the child's' parents, and consider how to provide them with support and information during enquiries.
- Make recommendations where appropriate regarding suspension, or alternatives to suspension.
- Consideration of whether the behaviour might make the person unsuitable for work with children ( or with vulnerable adults).
- Consider the need for a recommendation to the employer that they should consider disciplinary action on the basis of unsuitability.
- Agree protocols for reviewing.
- Consider the need to share the statements and evidence with the employer.
- Agree how the accused person will be informed of the outcome, by whom and when.
- The outcome should be confirmed in writing to the accused person, the LADO should receive a copy of this.

## 11. Reviewing progress

The LADO should regularly monitor the progress of cases either by Review Strategy Meetings with the Senior Manager (Deputy Headteacher) or by liaising with the police and/or children's social care.

A final strategy or evaluation discussion should be held at the end of the enquires to ensure that all tasks have been completed and where appropriate agree an action plan for learning lessons in order to inform future practice.

## 12. Resignations and Compromise Arrangements

- The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.
- A so-called compromise agreement by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations which are relevant to these procedures. In any event, such an agreement will not prevent a thorough police investigation where appropriate.
- Wherever possible the person should be given a full opportunity to answer the allegation and make representations. The investigations should continue to a conclusion even if the person refuses to cooperate.

## 13. Disciplinary Process or Assessment Regarding Suitability

The LADO and the designated Senior Manager (Deputy Headteacher) should discuss and agree what action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy discussion that the investigations by the police or enquiries by children's social care are not necessary.
- The employer and LADO is informed by the police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the staff member and take into account:

- Information provided by the police and or children's social care.
- The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.

The options will range from no further action to summary dismissal or not using the person's services in the future.

## 14. Timescales

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer who should institute appropriate action within **3 working days** of the Strategy Meeting.

If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held within **15 working days** of the Strategy Meeting.

Where further investigation is needed, the employer and the LADO should discuss who should undertake that. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer to ensure objectivity.

In all cases the investigating officer should aim to provide a report within **10 working days** of the Strategy Meeting.

On receipt of the report, the employer should decide within **2 working days** whether a disciplinary hearing is needed, if so the hearing should be held within **15 working days**.



## **15. Sharing Information for Disciplinary Purposes**

Consideration should be given at the beginning of any enquires to informing those involved that statements obtained and information gathered may be used in disciplinary proceedings this will enable information sharing to take place at the earliest opportunity. This will include ensuring the child and parents are aware of this and that consent issues are dealt with as soon as possible.

If the police or CPS decide not to charge or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the police should inform the employer immediately to enable the employer to take the appropriate action.

## **16. Record keeping**

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.

The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The record will provide accurate information for any future reference and provide clarification if a future DBS disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation should resurface.

A copy of the letter to the individual concluding the investigation should be copied to the LADO. It should be clearly noted on this letter who it has been copied to.

Following conclusion of the allegation the LADO may discuss the case with the Senior Manager (Headteacher) if there is a need for support or because there are learning points to develop. This discussion should be recorded. The LADO will also encourage Headteachers to share the outcomes with their Chair of Governors.

## **17. Monitoring progress**

The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays.

The record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information to the DCFS as required.

The police can consult the Crown Prosecution Service (CPS) at any stage regarding the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation.

## **18. Action in respect of Unsubstantiated Concerns**

Where there is insufficient evidence to substantiate an allegation, it is the employer's responsibility to consider what further action, if any, should be taken.

## **19 Action in respect of Unfounded Allegations**

Research indicates that totally false allegations are rare and may be a strong indicator of abuse elsewhere requiring further exploration. If an allegation is felt to be false, the employer, in consultation with the LADO, should refer the matter to children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If an allegation has been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

## **20. Non-Recent Allegations**

Abuse can be reported, no matter how long ago it happened.

As a school, we will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations. Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

## **21. Concerns that do not meet the harm threshold**

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

### **Definition of low-level concerns**

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Designated Officer at the Local Authority.

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

### **Sharing low-level concerns**

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns as per section 7.7 of the Child Protection and Safeguarding Policy
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

We fully promote and encourage an open culture for reporting concerns, staff are encouraged to share low level concerns in line with policy and procedure to members of the Safeguarding Team.

## **Responding to low-level concerns**

If the concern is raised via a third party, the Headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's 'Staff Code of Conduct' and other relevant policies linked to the concern. The Headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the Designated Safeguarding Lead.

## **Record keeping of low-level concerns**

All low-level concerns will be recorded in writing and stored on CPOMs Staff Safe. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.
- Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 5 of this policy, we will refer it to the designated officer at the local authority.
- Retained at least until the individual leaves employment at the school
- Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

## **References**

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

## **22. Referral to DfES List 99, Protection of Children Act list. Protection of Vulnerable Adults Act List, or Regulatory Body**

The LADO should also advise whether it is appropriate to make a referral to a professional body or regulator.

If it is agreed that a referral is required or desirable, the LADO should advise on the form and content of such a referral and whether it should be made to the Protection of Children Act List (POCA), or DfES list 99, or Protection of Vulnerable Adults Act List (POVA).

If a referral is to be made; it should be submitted within 1 month of the allegation being substantiated.

The [Disclosure and Barring Service \(DBS\)](#) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the [Protection of Freedoms Act 2012](#).

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). If a referral is to be made; it should be submitted within 1 month of the allegation being substantiated.

### **Bodies with a legal duty to refer**

The following groups have a legal duty to refer information to the DBS:

- [Regulated Activity](#) suppliers (employers and volunteer managers);
- Personnel suppliers;
- Groups with a power to refer

### **Bodies with the power to refer**

The following groups have a power to refer information to the DBS:

- Local authorities (safeguarding role);
- Health and Social care (HSC) trusts (NI);
- Education and Library Boards;
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council;
- Supervisory authorities e.g. Care Quality Commission, Ofsted.

If the person being referred to the DBS is a teacher in England they should also be referred to the [Teaching Regulation Agency](#)

## **23. Learning Lessons**

The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

## **24. Nature of complaints**

There are some occasions where a professional is unhappy about the outcome of an investigation and subsequent decisions made within the LADO. However, any request to review a decision made or the quality of investigation should be informed by a factual challenge, rather than based on a disagreement about the outcome. It is important that the person making the complaint directs their complaint to the right person. It is also important to remember that the LADO does not investigate allegations rather will quality assure the investigation process and recommendations and the LADO strategy group will make a decision based on the balance of probability of the incident occurring.

Where concerns are raised in respect of the outcome of the investigation, the professional should forward their complaint to the investigating organisation detailing why they believe the investigation to be inaccurate. The LADO should be notified of these situations as any information identified during the course of the organisation review may impact on the LADO process, LADO outcome and organisational learning;

Where a professional believes that the investigation was not conducted in a transparent manner or they were not provided with the opportunity to contribute to the investigation or where the report does not reflect crucial information these complaints should be relayed to the LADO who will review the information and concerns raised and make a decision on next steps which may include requesting the organisation commission an independent person to review the investigation. See: [St. Helens Safeguarding Children Partnership website](#);

Where the complaint relates to the LADO process or the manner in which the meetings have been chaired or LADO conduct, these should come to the LADO's manager for review and resolution using the Multi-agency resolution process. See: [St. Helens Safeguarding Children Partnership website](#).

## **Appendix 1 – Early Years informing Ofsted of an incident**

### **Allegations of harm or abuse**

From the end of January 2021, childminders, nurseries and all other childcare providers must use an online notification form to tell us about significant events.

You must tell Ofsted about any allegations of serious harm or abuse anywhere by any person at the premises who is:

- living there
- working there
- looking after children there

All childcare providers must use the [online notification form to notify Ofsted of significant events](#). Providers should no longer notify us by phone or email.

We want to make sure we can act on the information that is shared with us as quickly as possible, without any undue delay. The form is accessible and can be used on mobile and tablets, so that you are able to submit information swiftly and at ease.

When notifying us using this form, you will need to have to hand:

- your unique reference number (URN)
- the childcare address
- details of the incident and details of those involved

We will confirm receipt of the information and you can also download a copy for your records. We may contact you for further information.

**Ofsted can take action against you if you do not tell us about these incidents within 14 days.**

The day of the incident is the first of these 14 days.

### **How to tell Ofsted**

You will fulfil your legal requirements if you submit the online report within 14 days. It will take about 10 to 20 minutes to complete.