

Allegations Policy

Kingfisher Kindergarten Ltd is committed to safeguarding and promoting the welfare of every child. We recognise that allegations or concerns about an adult who works with children must always be taken seriously and responded to promptly. The welfare and safety of children is our first priority. At the same time, we recognise that an allegation is not proof that an adult has harmed a child. Concerns must therefore be managed fairly, sensitively, confidentially and in accordance with safeguarding, employment and legal requirements. This policy sets out the procedures Kingfisher Kindergarten will follow when an allegation or concern is made about an adult who works or volunteers with children.

It applies whether the concern relates to behaviour within the setting, outside the setting, during an outing or trip, in the person's private or family life, online or through social media or in any other circumstances where the person's behaviour may indicate a risk to children.

This policy has regard to:

The Early Years Foundation Stage (EYFS) statutory framework for group and school-based providers

Working Together to Safeguard Children 2026.

The Childcare Act 2006 and relevant regulations.

Current Ofsted safeguarding and notification requirements.

Local safeguarding procedures operated by Oxfordshire County Council and the Oxfordshire Safeguarding Children Partnership.

Relevant employment, disciplinary and equality legislation.

DBS legislation and guidance.

Data protection legislation.

Working Together 2026 states that organisations working with children should have clear procedures for allegations against people who work with children and should distinguish an allegation from concerns about quality of care or practice and from a complaint.

What is an allegation?

An allegation should be referred to the Local Authority Designated Officer (LADO) where it is alleged that an adult 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 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

These criteria apply to people working with children in paid or voluntary capacities. The LADO should be informed within one working day of an allegation meeting these criteria. The threshold does not require the setting to establish that harm definitely occurred. The role of the setting is to report the concern and seek appropriate professional advice.

Allegations, concerns, complaints and low-level concerns

Not every concern about an adult will meet the LADO allegation threshold.

The setting will distinguish between:

- Allegation - A concern meeting one or more of the four LADO criteria above / The LADO must be informed within one working day.
- Low-level concern - A concern about an adult's behaviour that does not meet the LADO threshold but may indicate that the person's behaviour is inconsistent with the Staff Code of Conduct or expected professional standards.

Examples may include:

- inappropriate language
- overly familiar behaviour with a child
- unnecessary physical contact
- failure to maintain professional boundaries
- favouritism
- inappropriate communication with parents or children
- inappropriate use of mobile phones or social media
- behaviour that causes discomfort or concern but does not meet the allegation threshold

Low-level concerns must not be ignored. They will be recorded, considered and managed appropriately. A pattern of low-level concerns may indicate a more significant safeguarding concern and may require consultation with the DSL, Manager or LADO.

Poor practice - A concern about the quality of care, supervision or professional practice that does not necessarily indicate that an adult poses a safeguarding risk. This may be managed through supervision, training, support, performance management, disciplinary procedures or other appropriate action.

Complaint - A complaint may concern the service provided by the setting, a decision made by the setting or dissatisfaction with practice. Complaints will be managed through the Complaints Policy unless the information also raises safeguarding concerns. Where a complaint contains an allegation about an adult working with children, the safeguarding and allegations procedures will take priority.

Preventative measures

Kingfisher Kindergarten recognises that good safeguarding practice reduces opportunities for abuse and protects children and adults. Children will be supported to develop confidence, communication and an understanding of their feelings and personal boundaries in an age-appropriate way.

We will:

- operate robust safer recruitment procedures
- obtain the required references and suitability checks
- complete appropriate DBS checks
- ensure people are suitable for their roles
- provide safeguarding induction and training
- maintain appropriate staffing and supervision
- maintain appropriate staff-to-child ratios
- promote professional boundaries
- have clear expectations about physical contact with children
- ensure intimate care is carried out appropriately
- maintain accurate records
- ensure visitors are appropriately managed
- monitor contractors and visiting professionals
- maintain appropriate supervision of students and volunteers
- provide staff with clear reporting procedures
- encourage staff to raise concerns about unsafe practice
- provide a culture where safeguarding concerns are taken seriously
- respond promptly to concerns about adults
- maintain appropriate supervision, support and performance management

Visitors and contractors

All visitors will follow the setting's visitor procedures. Visitors who are not known to the setting will be asked to provide identification. Visitors will sign in and out as required. Visitors who have not completed the appropriate checks will not be left unsupervised with children. Where maintenance, building or repair work is required, the setting will, wherever reasonably practicable, arrange for work to take place outside children's attendance times.

Where work must take place while children are present:

- children will be appropriately supervised
- contractors will be appropriately managed
- access to children will be restricted
- safeguarding risks will be assessed
- contractors will not undertake childcare duties unless appropriately checked and authorised

No visitor or contractor will be permitted to take a child to the toilet, change a child's nappy or undertake intimate care unless they are appropriately authorised, suitable and checked for the role.

Recognising concerns about adults

All staff have a responsibility to recognise and report concerns. Staff must not assume that a concern is too minor to report.

A concern may arise from:

- something an adult has said or done;
- something a child has said;
- an observation made by another adult;
- information provided by a parent or carer;

- information from another professional;
- information received from another setting or organisation;
- information about an adult's behaviour outside the setting;
- an online or social media concern;
- a pattern of low-level concerns;
- an accident, injury or unexplained mark;
- inappropriate physical contact;
- inappropriate language or behaviour;
- inappropriate use of technology;
- failure to follow safeguarding procedures;
- neglectful or unsafe practice.

Immediate action where a child may be at risk

If a child is in immediate danger, staff must take immediate action to protect the child. The child's immediate safety takes priority over internal procedures. Staff must not attempt to conduct their own investigation.

This may include removing the child from immediate danger; seeking emergency medical assistance; contacting the police on 999 where appropriate; contacting Oxfordshire MASH; informing the DSL or Manager.

Reporting an allegation

Any staff member who becomes aware of an allegation or concern about an adult must report it immediately to a Designated Safeguarding Lead or the Manager. The concern should be reported as soon as possible and should not be delayed until the end of the working day.

The person receiving the concern will:

- listen carefully;
- remain calm and professional;
- record what has been said;
- establish only the basic facts necessary to safeguard the child;
- avoid leading questions;
- avoid investigating the allegation;
- inform the DSL/Manager immediately;
- seek advice from the LADO and/or children's social care where appropriate.

If the allegation concerns the DSL

If an allegation concerns a Designated Safeguarding Lead, the concern must be reported to another DSL, the Manager or Owner. If the allegation concerns all available DSLs or the Manager, the concern must be reported directly to the Owner and the LADO. The person who is the subject of the allegation must not be responsible for deciding how the allegation is managed.

If the allegation concerns the Owner/Registered Provider

If the allegation concerns the Owner, staff must not report the matter to the person who is the subject of the allegation. The concern should be reported directly to the LADO and/or the relevant safeguarding authority. The setting will seek advice about who should oversee the employer's responsibilities during the process.

Contacting the LADO

The LADO must be informed within one working day of an allegation that meets one or more of the four criteria described in Section 3. Kingfisher Kindergarten will not wait until it has completed its own investigation before contacting the LADO.

The LADO provides advice and oversight and determines whether the matter meets the threshold for the formal allegations process. Oxfordshire confirms that the LADO should be informed of allegations concerning people who work with children and provides the LADO contact number 01865 810603.

The current Oxfordshire LADO email address is - lado.safeguardingchildren@oxfordshire.gov.uk

Where appropriate, the setting will complete the current Oxfordshire LADO referral/consultation form.

Contacting Children's Social Care

Where there is a safeguarding concern about a child, the setting will contact children's social care in accordance with local safeguarding procedures.

For Oxfordshire:

MASH – 0345 050 7666

MASH is the front door to Oxfordshire Children's Social Care for child protection and immediate safeguarding concerns.

If the concern indicates that a child may be at immediate risk of harm, the setting will contact MASH without delay.

If a child is in immediate danger, the police should be contacted on 999.

For urgent police matters that are not an emergency, the police can be contacted on 101.

Out-of-hours concerns

If an urgent safeguarding concern arises outside normal children's social care operating hours, the setting will contact:

Oxfordshire Emergency Duty Team – 0800 833 408

If there is an immediate emergency or a child is in immediate danger, call 999.

Ofsted notification

Kingfisher Kindergarten will comply with its statutory notification responsibilities to Ofsted. The EYFS requires providers to notify Ofsted of allegations of harm, rather than only allegations of “serious harm”, by anyone living, working or looking after children on the premises. This applies whether the alleged harm took place at the premises or elsewhere, for example during an outing.

Ofsted must also be informed of the action taken in response. Notifications must be made as soon as reasonably practicable and within 14 days of the allegation being made. Where there is any uncertainty about whether an event is notifiable, the setting will seek advice promptly rather than delaying notification.

Ofsted does not investigate child protection concerns on behalf of children's social care or the police. Ofsted considers whether the provider continues to meet its regulatory requirements.

Police involvement

The police will be contacted where:

- a criminal offence may have been committed;
- a child is in immediate danger;
- the LADO or children's social care advises that police involvement is required; or
- another circumstance requires police intervention.

The setting will not conduct its own criminal investigation. Care will be taken not to compromise a potential police investigation by questioning children or witnesses unnecessarily or confronting the person who is the subject of the allegation.

Initial response and investigation

Kingfisher Kindergarten will not attempt to determine whether an allegation is true or false before consulting the appropriate safeguarding professionals.

The initial response will focus on:

- protecting children;
- preserving relevant evidence;
- recording information accurately;
- contacting the appropriate safeguarding agencies;
- preventing unnecessary discussion;
- supporting the child;
- supporting the adult subject to the allegation;
- maintaining appropriate staffing and safe operation of the setting.

The LADO, children's social care and/or police will determine the appropriate investigative process. The setting will cooperate fully with external investigations.

Recording the allegation

A written record will be made as soon as possible. Records must distinguish between fact, observation, information provided by another person and professional opinion. Records must not contain speculation presented as fact.

The record should include:

- date and time the concern was received;
- date and time of the alleged incident, if known;
- name of the child;
- name and role of the adult concerned;
- exactly what was reported or observed;
- who reported or observed it;
- the person's own words wherever possible;
- any relevant witnesses;

- immediate action taken;
- advice received;
- who was contacted;
- date and time of referrals;
- decisions made;
- actions taken;
- follow-up arrangements.

Statements and witnesses

Where witnesses are identified, the setting may ask them to record what they personally saw or heard.

Statements should:

- be written in the person's own words;
- distinguish fact from opinion;
- be dated and signed;
- include the person's name and role;
- be stored securely.

Staff must not ask witnesses to discuss the allegation with one another. Where an external investigation is taking place, the setting will follow the advice of the LADO, police or children's social care about obtaining or preserving statements.

Confidentiality

Information relating to an allegation will be shared strictly on a need-to-know basis. Staff must not discuss an allegation with colleagues, parents, other families or people outside the setting unless authorised to do so. However, confidentiality must never prevent information from being shared with children's social care; the LADO; the police; Ofsted; the DBS or other safeguarding professionals or agencies where there is a lawful and safeguarding reason to share information. The setting will not promise absolute confidentiality to a child, parent, witness or member of staff. Information will be handled in accordance with data protection law and safeguarding information-sharing principles.

Informing parents and carers

The setting will seek advice from children's social care, the LADO and/or police before informing parents or carers where an allegation has been made.

Parents will normally be informed where appropriate, but this may be delayed where doing so could:

- place a child at greater risk;
- prejudice a police investigation;
- prejudice a safeguarding investigation;
- lead to evidence being destroyed;
- place another person at risk.

The setting will follow the advice of the relevant safeguarding agency.

Supporting the child

The child's welfare remains the priority. Staff must not promise a particular outcome or tell the child what they think happened.

The setting will:

- listen to the child appropriately;
- provide reassurance;
- avoid repeated questioning;
- maintain normal routines where safe and appropriate;
- consider emotional and practical support;
- liaise with parents/carers and professionals as advised;
- make reasonable adjustments where required;
- maintain the child's privacy.

Supporting the adult subject to the allegation

Kingfisher Kindergarten recognises that being the subject of an allegation can be extremely distressing.

Subject to safeguarding and investigative requirements, the adult will:

- be treated fairly and respectfully;
- be informed of relevant procedures;

- be given appropriate support;
- have access to appropriate representation or advice;
- be kept informed about the process where this can lawfully be done.

Information may need to be withheld temporarily where advised by the police, children's social care or LADO. The setting will not prejudge the outcome of an allegation.

Suspension or alternative duties

Suspension will not be automatic following an allegation. The Owner, in consultation with the LADO and other relevant agencies, will consider whether any temporary change to duties is necessary. Any suspension will be managed in accordance with employment law and the setting's disciplinary procedures.

Alternatives to suspension may include:

- changes to duties;
- increased supervision;
- temporary redeployment;
- working away from children;
- changes to working arrangements.

Any decision will consider:

- the risk to children;
- the nature of the allegation;
- advice from the LADO, police or children's social care;
- the potential impact on any investigation;
- the welfare of the children;
- the welfare and rights of the employee;
- the availability of suitable alternative duties.

Disciplinary procedures

A safeguarding allegation and an employment disciplinary process are separate processes, although they may run alongside one another where appropriate. The setting will not use a disciplinary investigation to replace a safeguarding investigation. Where a disciplinary investigation is required, the setting will consider the advice of the LADO, police and children's social care before taking action that could interfere with external enquiries. Where the external safeguarding process has concluded, the setting will consider whether further internal action is necessary.

Possible outcomes

The outcome of an allegation will be determined through the appropriate safeguarding, police, regulatory and/or employment process. The setting will not use outdated terms such as "unfounded" or "unsubstantiated" as though they automatically mean that an allegation was false. The setting will record the outcome provided by the relevant investigating authority and take any required action.

Possible outcomes may include:

- no further action;
- advice or consultation only;
- safeguarding concerns identified;
- further assessment or support required;
- police investigation;
- child protection procedures;
- disciplinary action;
- training or supervision requirements;
- changes to working arrangements;
- referral to the DBS where the statutory conditions are met;
- other action recommended by the LADO or safeguarding agencies.

A finding that an allegation does not meet the threshold for further action does not necessarily mean that no learning or management action is required.

DBS referrals

Kingfisher Kindergarten will make a referral to the Disclosure and Barring Service where the legal conditions for a referral are met. This may apply where a person has harmed or poses a risk of harm to a child, satisfied the relevant harm test, engaged in relevant conduct, been removed from regulated activity because they are considered unsuitable or otherwise met the statutory criteria for referral. The setting will seek appropriate advice where necessary and will comply with its legal duty to refer where the conditions are met.

Ofsted, LADO and DBS referrals are separate responsibilities

The setting understands that:

- notifying Ofsted does not replace contacting children's social care;
- contacting children's social care does not replace contacting the LADO;
- contacting the LADO does not replace a required police referral;
- a DBS referral may be required separately;
- employment action may be required separately.

The relevant agencies will determine their own responsibilities.

Concerns about the DSL, Manager or Owner

No member of staff will be disadvantaged for raising a genuine safeguarding concern. Where the concern concerns the DSL, the concern must be reported to another DSL, the Manager, Owner or LADO as appropriate. Where the concern concerns the Manager or Owner, the staff member should contact the LADO directly. The setting will ensure that no person is responsible for managing an allegation about themselves.

Allegations arising outside the setting

The setting recognises that an adult's behaviour outside work can be relevant to their suitability to work with children. This may include criminal allegations, domestic abuse, violence, inappropriate online behaviour, concerning behaviour towards children, allegations involving the person's own children or other conduct indicating a possible risk to children. Where information is received that an adult working with children may pose a risk, the setting will seek advice from the LADO and other relevant agencies. The setting will not dismiss such information simply because the behaviour occurred outside the workplace.

Low-level concerns and patterns of behaviour

All staff are encouraged to report low-level concerns. A single concern may not meet the LADO threshold. However, repeated concerns about the same person may indicate a pattern of behaviour. The setting will therefore maintain appropriate records of low-level concerns and review them periodically. Where a pattern emerges, the Manager/DSL will consider whether the matter should be escalated; the Staff Code of Conduct has been breached; further supervision or training is required; a disciplinary process is appropriate or the LADO should be consulted.

Whistleblowing

Staff must feel able to raise concerns about unsafe practice. Where a member of staff believes that safeguarding concerns are not being addressed appropriately, they should use the setting's Whistleblowing Policy. The setting will not tolerate retaliation against a person who raises a genuine safeguarding concern. Where appropriate, staff may seek independent advice through the NSPCC Whistleblowing Advice Line.

Records and record security

All records relating to allegations will be stored securely and separately from general personnel records where appropriate.

Records will be:

- factual;
- accurate;
- dated;
- signed or attributable to the person making the record;
- securely stored;
- accessible only to authorised persons.

Records will be retained in accordance with safeguarding, employment and data protection requirements.

Learning following an allegation

Following the conclusion of a case, the setting will consider whether there are lessons to be learned.

This may include reviewing:

- supervision arrangements;
- staff training;
- safeguarding procedures;
- safer recruitment;
- professional boundaries;
- visitor procedures;
- intimate care arrangements;
- staff deployment;

- recording systems;
- policies and procedures.

Any learning will be implemented promptly. The setting will not identify individuals unnecessarily when sharing learning with staff.

Staff responsibilities

Failure to follow safeguarding procedures may itself be treated as a serious matter.

Every member of staff and volunteer must:

- report safeguarding concerns immediately;
- report concerns about adults working with children;
- maintain professional boundaries;
- follow the Staff Code of Conduct;
- cooperate with safeguarding investigations;
- maintain confidentiality;
- avoid discussing allegations unnecessarily;
- record concerns accurately;
- never attempt to investigate an allegation themselves;
- never promise a child that information will be kept secret.

Key safeguarding message for staff

If you are worried about an adult's behaviour towards a child, report it.

Do not wait until you have proof.

Do not investigate it yourself.

Do not discuss it with colleagues.

Do not confront the person unless instructed to do so.

Report the concern immediately to a DSL or Manager.

If the concern meets the LADO criteria, the LADO must be informed within one working day.

Current safeguarding contacts – Oxfordshire

Oxfordshire MASH - 0345 050 7666

Oxfordshire LADO - 01865 810603 - lado.safeguardingchildren@oxfordshire.gov.uk

Oxfordshire Emergency Duty Team - 0800 833 408

Police - 999 – immediate danger/emergency

101 – non-emergency police matters

Ofsted – 0300 123 1231

Childline - 0800 1111

NSPCC – 0800 028 0285

LCSS (Locality and Community Support Service) – 0345 241 2608

This policy was reviewed by Kingfisher Kindergarten Ltd

Date to be reviewed

Annually

Signed on behalf of the provider

La-Ryne van der Westhuizen

Role of signatory

Owner