

Safeguarding Children (Early Years)

Referral Routes (Contact Lists 1 and 2) Guidance Notes September 2021

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What training is available?

To make sure that you understand the Merton Child and Young Person Well-being Model, you are strongly advised to attend safeguarding training. Training is available to childcare providers registered in Merton.

In PVI settings the registered person, the manager/person who has lead responsibility for safeguarding and those that deputise for this person should undertake the following training:

- Designated Safeguarding Lead 1 (taking the lead in handling concerns) AND
- Designated Safeguarding 2 (safe premises, safe culture, safe recruitment, safe procedures)

These training courses can be attended in any order.

Childminders, who have lead responsibility for safeguarding should undertake the following training:

- Designated Safeguarding Lead Training for Childminders

Every 2 to 3 years we recommend that those taking the lead for safeguarding in PVI settings, and childminders update their training by attending Designated Safeguarding Lead Refresher training

Childminder assistants or staff working in PVI settings can attend:-

- Safeguarding Children in the Early Years

For dates of training and availability, please visit the following website page:

www.merton.gov.uk/training_for_early_years_and_childcare_workforce

Prevent and FGM training

Free online training is provided by the Home office:

Prevent Training: <https://www.elearning.prevent.homeoffice.gov.uk/la2/screen1.html>

FGM Training: <https://www.virtual-college.co.uk/resources/free-courses/recognising-and-preventing-fgm>

Other safeguarding training courses are also provided by the Merton Safeguarding Children Partnership (MSCP). For dates and availability please visit: <https://www.mertonscp.org.uk/training/>

What should be in place?

The statutory Framework for the Early Years Foundation Stage 2021 (EYFS) requires early years providers to have:

- A designated Safeguarding Lead to whom concerns about children should be reported. The lead practitioner must attend a child protection-training course that enables them to identify, understand and respond appropriately to signs of possible abuse and neglect. (Taking account of any advice from the Local Safeguarding Partners (LSP) or local authority on appropriate training courses) London Borough of Merton recommend that Safeguarding Leads have undertaken a safeguarding lead course and updated their training every two to three years. Childminders are always the safeguarding lead.

- Safeguarding policies and procedure which must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff; and cover the use of mobile phones and cameras in the setting. These should be in line with the guidance and procedures of the relevant local safeguarding partners (LSP).

To safeguard children and practitioners online, providers will find it help full to refer to 'safeguarding children and protection professionals in early year's settings: online safety considerations'. Page 21 EYFS Statutory Framework 2021

- A senior person who deputies for the Safeguarding Lead when they are absent, who deals with safeguarding concerns and has undertaken safeguarding lead training (not applicable to childminders);
- Staff who have an understanding of safeguarding that is included in their induction and have undertaken training or received other updates and information (on an annual basis) to ensure they are familiar with what they should do if they have concerns about a child. In a childminding setting, this will include all assistants they employ
- Systems whereby all staff receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively. Training made available by the provider must enable staff to identify signs of possible abuse and neglect at the earliest opportunity, and to respond in a timely and appropriate way.

What is child abuse?

Working Together to Safeguard Children 2018 provides the following definitions

Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children.

Physical abuse is a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent effects on the child's emotional development, and may involve:

- Conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person;
- It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.
- Imposing age or developmentally inappropriate expectations on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction;
- Seeing or hearing the ill-treatment of another, such as where there is domestic violence and abuse;

- Serious bullying, causing children frequently to feel frightened or in danger;
- Exploiting and corrupting children.
- Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing.

Sexual abuse includes non-contact activities, such as involving children in looking at, including online and with mobile phones, or in the production of pornographic materials, watching sexual activities or encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Child Sexual Exploitation Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Neglect is the persistent failure to meet a child's basic physical and / or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may occur during pregnancy as a result of maternal substance misuse, maternal mental ill health or learning difficulties or a cluster of such issues. Where there is domestic abuse and violence towards a carer, the needs of the child may be neglected.

Once a child is born, neglect may involve a parent failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers);
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional, social and educational needs.

Female Genital Mutilation (FGM) comprises procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

It is illegal in the UK to subject a child to female genital mutilation (FGM) or to take a child abroad to undergo FGM. FGM is violence against female children and women, a serious public health hazard and a human rights issue. Protecting children and mothers from FGM is everybody's business. FGM constitutes child abuse and causes physical, psychological and sexual harm

Extremism / Radicalisation goes beyond terrorism and includes people who target the vulnerable – including the young – by seeking to sow division between communities on the basis of race, faith or denomination; justify discrimination towards women and girls; persuade others that minorities are inferior; or argue against the primacy of democracy and the rule of law in our society.

Extremism is defined in the Counter Extremism Strategy 2015 as the vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. Calls for the death of members of the armed forces as also viewed as extremist

The Trigger Trio refers to recent research which has indicated that some children are living in circumstances which can increase their vulnerability to being abused or neglected. These circumstances are where children are living in homes where there is:

- Domestic violence, and/or
- One or more adults in the home with adult mental health issues, and/or
- One or more adults in the home abusing alcohol or drugs

If you are aware of a child living in such circumstances, you should always contact the MASH team.

Definitions also available at <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

What do I do if I have concerns about a child?

If you have concerns about a child in your care, you should initially discuss your concerns with the safeguarding lead within your setting. They are responsible for making a decision as to what action needs to be taken. Your setting will have a safeguarding policy and you should refer to that if you are unsure of the procedure.

If you are a childminder then you are responsible for making the decision as to what action should be taken. You should follow your own safeguarding procedure.

If you are in doubt or need advice then you should contact the Multi Agency Safeguarding Hub (MASH) team.

Concerns must always be recorded in permanent ink and must always be dated and signed by the person who had the concern and, where relevant, by the safeguarding lead.

Any follow up action or decisions **MUST** be recorded clearly by the safeguarding lead, dated and signed.

Do not rely on someone else to take action.

If a child discloses that they have been abused or neglected:

- **Stay calm**
- **Listen** carefully to what is said
- **Do not promise to keep secrets** – find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others

- **Allow** the child to continue at his/her own pace
- **Ask questions for clarification only**, and at all times avoid asking questions that suggest a particular answer
- **Reassure** the child that they have done the right thing in telling you
- **Tell them** what you will do next and with whom the information will be shared
- **Record** in writing what was said, as soon as possible, using the child's own words – note date, time and names mentioned, to whom the information was given and ensure that all records are signed and dated.
- **Inform** the safeguarding lead as soon as possible
- **Ensure** that a decision is made about what should happen next, and whether a referral should be made.

Notifying Parents

Where practicable, concerns should be discussed with the parent and they should be told that you are making a referral to the MASH team, unless that is likely to place the child at risk of significant harm through delay or the parent's actions or reactions (see below). However, if you have significant concerns that a child may be at risk of radicalisation / extremism by their parents and you make a referral under the Prevent Duty, then parents should not be told that you have made the referral, unless the MASH team agree that you should do so.

A child protection referral from a professional cannot be treated as anonymous, so the parent will ultimately become aware of the identity of the referrer. Where the parent has not been informed that you have made the referral or where a parent refuses to give permission for the referral, then the reasons for proceeding without parental agreement must be recorded on the MASH referral form.

Confidentiality and Information Sharing (GDPR)

Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children's social care (e.g. they are being supported as a child in need or have a child protection plan). Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may impact the child's safety or welfare.

Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern. To ensure effective safeguarding arrangements:

- All organisations and agencies should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within their own organization / agency; and with others who may be involved in a child's life

All practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe. If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority

children's social care and/or the police. All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority into another, due to the risk that knowledge pertinent to keeping a child safe could be lost

- All practitioners should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. When decisions are made to share or withhold information, practitioners should record who has been given the information and why

A key factor in many serious case reviews has been a failure to record information, to share it, to understand the significance of the information shared, and to take appropriate action in relation to known or suspected abuse or neglect.

Often it is only when information from a number of sources has been shared that it becomes clear that the child is at risk of, or is suffering harm.

Information sharing is vital to safeguarding and promoting the welfare of children

More information around information sharing can be found on page 19 of Working Together to Safeguard Children 2018. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Making a referral to MASH

If you suspect that a child **is being abused or neglected or is at risk of being abused or neglected**, then you should make a referral to Merton's MASH team (office hours) or the Emergency Duty Team (out of hours). Telephone numbers are provided on Contact Sheet 1

According to the seriousness of the situation you may also need to contact the Police.

Urgent referrals relating to Child Protection

If you believe that urgent action is needed because, for example, a child is in immediate danger or needs accommodation, phone the MASH on **020 8545 4226** or **020 8545 4227** (Out of hours: **020 8770 5000**) and give as much information as you can.

Your information will be passed immediately to the manager who will make a decision on the risk level. You must follow up your telephone call by sending a completed Child Protection Referral form to the MASH within 24 hours. The Child Protection Referral form is available for download or printing at www.merton.gov.uk/casa-forms under the Guidance section.

Other Child Protection concerns

If you have a Child Protection concern but urgent and immediate action is not needed, you must complete a Child Protection Referral form in as much detail as possible and send it to the MASH at mash@merton.gov.uk

A screening team sitting within the MASH will analyse and prioritise the contacts before passing them to the MASH navigators. MASH navigators and supervising social workers can advise the screeners on these contacts.

Staff from every agency gather and share information to enable an informed decision to be made.

The team receiving the case will also receive a summary of any relevant information that was gathered during the MASH process. This will help them to provide the most informed and appropriate services for the child.

The MASH manager will then decide whether to:

- Pass the case to the First Response social work team
- Refer the case to another agency or service, such as Supporting Families or an enhanced social work or multi-disciplinary team or
- Close the case with no further action.

Follow-up

Having made your referral, if you get no response from the MASH within 3 working days, then you should phone them back to check progress.

Be prepared to be involved in the first assessment and/or a possible initial child protection conference. If MASH decide to close the case with no further action, and you still have concerns, then you should continue to monitor the child.

If you continue to have high concerns about the child, you should take your concerns back to the MASH team in the first instance. If you still feel that your concerns are not being addressed you should evoke 'The Merton Escalation Procedure'.

Recording

The safeguarding lead should clearly record, date and sign any decision making processes when concerns are raised about a child. They or person making the MASH referral in their absence should also keep a written record of discussions with child, parent, managers and the information provided to the MASH team.

Written records held on file (including any notes made at the time) of the decisions taken in the course of any discussion with the MASH must be clearly dated, timed and signed. Any follow up action taken should also be fully recorded.

Records should be:

- Clear
- In straightforward language
- Concise
- Accurate in fact
- Differentiate between fact, observation, allegation, opinion

- Always written in ink, with any amendments clearly crossed through and signed/dated
- Clearly evidence any decision making and follow-up action

Dealing with allegations or concerns about someone's suitability to work with children - what should be in place?

If you employ or manage people who work (paid or unpaid) with children you must have:

- A designated senior manager to whom allegations or concerns should be reported
- A safeguarding procedure which includes what should happen if an allegation is made
- A whistle-blowing policy
- A deputy who deals with allegations or concerns in the absence of the designated senior manager or where that person is the subject of the allegation or concern

All staff should be made aware of the designated senior manager who deals with allegations and the deputizing arrangements, and all staff should be aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If you are a childminder you will need to have a procedure for dealing with allegations against you, or against someone who lives or works with you.

What is an allegation?

Allegations include concerns which call into question whether a member of staff, manager, registered person, childminder, assistant, household member, volunteer or student working with children has:

- harmed a child
- abused a child
- inappropriately handled a child which may have caused them to be harmed or abused
- committed a criminal offence which may make them unsuitable to work with children
- concerns within their personal life which may make them unsuitable to work with children (this could include radicalisation)
- an inability to protect children from unsuitable adults, unsuitable or unsafe resources or an unsuitable environment.
- Caused a child to have an accident or serious injury due to poor risk assessment, poor supervision or neglect of duties

You must ensure you are familiar with the relevant sections of the London Child Protection Procedures found at the following website page: https://www.londoncp.co.uk/alleg_staff.html

There are a wide range of situations which fall under the term 'allegation', but generally it will include concerns about a member of staff, manager, student, volunteer or anyone else that works or lives in a childcare (domestic or non-domestic) premises or a childminder, childminder's assistant or member of a childminder's household who has:

- Behaved in a way that has, or may have, harmed a child

- Possibly committed a criminal offence against or in relation to a child
- Behaved towards a child in a way that indicates s/he is unsuitable to work with children

In addition, you should include concerns:

- Where children may be at risk due to extremism / radicalisation (Prevent Duty)
- Where a child may have sustained a serious accident or injury due to poor childcare practice, poor supervision of children, ineffective risk assessment or inability to ensure the health and safety of children
- Where something may have happened in someone's personal life which calls into question their suitability to work with children (e.g. a particular conviction, concerns about their ability to care for their own children etc.).

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect).

These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003)
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature, such as inappropriate text / e-mail messages or images, gifts, socialising
- Possession of indecent photographs / pseudo-photographs of children
- Living in the same household as another person who is disqualified, known as disqualification 'by association' (someone who has been convicted of an offence against a child). Only relevant to childminders and childcare on domestic premises.

Concerns may be raised by other staff (whistleblowing), parents, the general public, the police or other professionals, or it may be the case that information comes to light in other ways, for example, a concern about a member of staff outside of their work.

What should happen if there is an allegation, or a serious injury/accident to a child within the work place or there are concerns about the suitability of a member of staff due to something that may have happened outside of work?

If an allegation or concern arises about a member of staff, manager, student, volunteer or anyone else connected with a childcare provision. Or a childminder, their assistants or household members (including children), and this present or may present a risk of harm to child/ren, or affect their suitability to work with children or be around children, this must be reported to the Designated Officer (**LADO**) **ASAP within 24 hours and then to Ofsted** .

When informed of a concern or allegation, the designated senior manager **should not investigate the matter**. They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving it;
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made (for example medical treatment being sought, staff being suspended etc), and the reasons for those decisions;
- If appropriate ask any staff involved to provide an individual written account about what happened/what they have seen but this should be in the staff's own words and should be signed and dated by them. **This should not be an investigation**, however, you may need to conduct some initial enquiries in order to clarify some information and determine the action you need to take in relation to suspending staff. Whilst this may include asking staff to provide a written account, you **must not** question staff in any way or allow staff to collaborate before writing their individual accounts and staff should not be led in any way to give a specific response.

Remember - do not investigate.

The registered person, the childminder or the manager must contact the LADO within one working day (or within 4 hours where the matter is urgent such as the death or near death of a child) AND must notify Ofsted as soon as possible thereafter. If the allegation against the staff involves radicalisation you should also notify the MASH team.

What information you should provide to the LADO over the phone or in writing

- A brief summary of the allegation / whistleblowing and the written account of the person making the allegation* (***you are strongly advised to ask the person who made the allegation to put it in writing***). This should include:
 - (i) confirmation of the day/s the alleged incident occurred
 - (ii) the name/s of the staff member/childminder/household member/volunteer who they are making the allegation against
 - (iii) the name/s of the child/ren who were involved
 - (iv) a summary of the what has been alleged, the concerns raised etc
- Name, address and date of birth of the child/ren involved
- Name, address and contact number of the child/ren's father and mother
- Your name and address (childminder) or the name and address of your setting
- The name of the owner/manager
- Your Ofsted registration number
- The name and date of birth of the accused member/s of staff, childminder, assistant, household member or volunteer
- The date the accused member(s) of staff/volunteer took up employment with the setting
- Details of the accused member(s) of staff, childminder, assistant, volunteer, household member's DBS

- Whether the member(s) of staff or childminding assistant has been suspended from work, or if not, what other arrangements have been put in place to ensure children are safeguarded
- If the allegation is against a childminder, then they will be asked how many children they are caring for. You should note that Ofsted may require the childminder to temporarily stop childminding whilst the allegation is investigated by suspending their registration.
- If the allegation is against a member of a childminder's household or their assistant, the childminder will be asked how they will ensure children's safety whilst the investigation takes place and Ofsted may consider suspending the childminders registration.

** NOTE: People making a referral should be willing to give their name and telephone number so they can be contacted at a later date*

The LADO will ask you to complete a LADO referral form, and this will be emailed to you.

If an allegation requires **immediate** attention but is received outside normal office hours, then you should consult the emergency duty team or police and inform the LADO as soon as possible thereafter.

The registered person or childminder must also contact Ofsted directly when an allegation has been made against a member of staff, a childminder or a person living or working with a childminder. This should be done as soon as possible and definitely within 24 hours of notifying the LADO.

Remember, it is the registered person's responsibility to make the decision about whether to suspend staff from duty or not. They should follow their own safeguarding procedure and determine the risks to children.

Childminders are responsible for making decisions about how they are going to safeguard children if the allegation or concern is about them, their assistant or their household members.

Every effort should be made to maintain confidentiality and guard against publicity while an allegation/concern is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

Allegation management / Initial Evaluation

The LADO will need to decide what action to take. As such they will look at the referral received and speak to the manager/safeguarding lead and consider first whether further details are needed. This will include discussion as to whether there is any confusion as to dates, times, locations or identity of the member of staff.

The LADO will generally get back to the referrer within 48 hours to let them know whether the allegation/concerns raised meet the LADO threshold, and whether there is any further action that needs to be taken.

In the event that the LADO feels the allegation/concerns do meet the LADO threshold, they will convene an allegation management meeting.

For PVI settings, the registered owner/manager of the early years setting will be asked to attend (unless the allegation or concern is about them), and they will need to bring the following information with them:

- The member of staff/s or volunteers recruitment record (DBS details, qualifications, references etc), induction, probation, disciplinary evidence and any training they may have undertaken
- A copy of the setting's policies and procedures relating to the issue
- Accident/existing injury and incident forms relating to the child for the six months prior to the allegation, or in relation to the room where the alleged incident occurred
- Risk assessment records (where relevant)
- Other relevant documentation (e.g attendance register on the day)

If you are required to attend the meeting and provide this information, you will be informed by the LADO.

Childminders will not be asked to attend the meeting, but they may be asked to provide information about themselves, their household members or assistants; which may include

- Any assistants recruitment record (DBS details, references etc), induction, probation, disciplinary evidence and any training they may have undertaken
- Household members DBS details
- A copy of the childminders policies and procedures relating to the issue
- Accident/existing injury and incident forms relating to the child for the six months prior to the allegation, or in relation to the room where the alleged incident occurred
- Risk assessment records (where relevant)
- Other relevant documentation

The LADO will provide feedback to the childminder following the meeting.

Ofsted is always invited to strategy meetings concerning PVI settings and childminders, and they are copied into any minutes and recommendations made. The police and a social worker from the MASH team may also be invited, or any other organisations or professionals deemed necessary.

What will happen next?

The allegation management meeting will consider all the information and:

- Decide whether there should be a section 47 enquiry and / or police investigation;
- Consider whether any parallel investigations need to take place (e.g H&S or Ofsted)
- Consider whether the disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;

- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children;
- Consider whether a complex abuse investigation is applicable
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when;
- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Consider decisions made regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree timescales for investigations to be completed, how they will be reviewed and progress monitored by the LADO;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future strategy meetings / discussions.

The meeting/s will also take into account the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
2. **False:** there is sufficient evidence to disprove the allegation;
3. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
4. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
5. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the meeting will prepare a separate report and forward this to the designated safeguarding lead to enable them to consider what further action, if any, should be taken.

If an allegation is substantiated the LADO and those in attendance at the meeting will agree further action to be taken and by whom. The LADO will also discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

However, in all cases, 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, and Ofsted may be included in this. Where a childminder has been involved, this review will also include Ofsted.

What happens when a child has a serious accident or Injury*?

If a child has a **serious accident** or is involved in an incident which results in a **serious injury** whilst in your care, then you must:

- Contact Ofsted via their online portal at: <https://www.gov.uk/guidance/report-a-serious-childcare-incident#how-to-tell-ofsted> / telephone 0300 123 1231
- Contact the LADO within 24 hours, only where the accident or injury calls into question whether there was poor childcare practice, poor supervision of children or unsafe resources/premises which led to the accident/incident
- Contact the Health & Safety Executive following RIDDOR reporting (within 10 days)
- Contact the Early Years Team at providers@merton.gov.uk

Serious injuries, accidents and illnesses

Anything that requires resuscitation; admittance to hospital for more than 24 hours; a broken bone or fracture; dislocation of any major joint, such as the shoulder, knee, hip or elbow; any loss of consciousness; severe breathing difficulties, including asphyxia; anything leading to hypothermia or heat-induced illness; any confirmed cases of coronavirus (COVID-19) in staff or children

Eyes

If a child suffers any loss of sight, whether it is temporary or permanent; penetrating injury, chemical, or hot metal burn to the child's eye

Substances and electricity

If a child in your care suffers any injury from, or requires medical treatment for, any of the following: from absorption of any substance; by inhalation; by ingestion; through the skin; from an electric shock or electrical burn. Where there is reason to believe it resulted from exposure to: a harmful substance; a biological agent; a toxin; an infected material.

Check the following link for any updates: <https://www.gov.uk/guidance/childcare-reporting-childrens-accidents-and-injuries#serious-injuries-accidents-and-illnesses>

You should also notify Ofsted if a child becomes lost whilst in your care.

What happens when a child dies whilst in your care or receives very serious or life threatening injuries?

If a child **dies** whilst in your care, or later as the result of something than happened while the child was in your care or the child has **serious or life threatening injuries**, then you must **immediately** contact:

- The LADO at LADO@merton.gov.uk
- The MASH team on 020 8545 4226/4227
- Ofsted via online portal at: <https://www.gov.uk/guidance/report-a-serious-childcare-incident#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.) telephone 0300 123 1231
- The Police (where you think this is appropriate)
- The Health & Safety Executive (follow up with a RIDDOR report within 10 days)
- The Early Years Team at providers@merton.gov.uk / 0208 274 5300

It is important that when you contact the above organisations you make it clear that a child has died (or has serious or life threatening injuries) and stress the urgency of the situation.

You **must not clean up** after the accident/incident, as the room or place where the accident/incident occurred could be a potential crime scene. You will need to make arrangements to move children to another area or room, or arrange for them to be collected, where this is necessary. Where it is not possible to leave the area exactly as it was, then photos should be taken immediately of all areas, equipment and resources, using a camera that records the exact date and time. This will need to be made available for any investigations which may take place by the police, H&S Executive, Ofsted or the Local Authority.

You **must not investigate** the accident/incident, however, you should arrange for everyone who was involved to provide a written account which they should sign as a true and accurate record. This should be in the person's own words and there should be **no** collaboration amongst those present prior to writing their accounts and no attempt by anyone to interfere in this process.

Managers/childminders should also write an overview detailing what happened, with a timescale, details of children and staff involved and the action taken to date. These will need to be made available for any investigations which may take place by the police, H&S, Ofsted or the Local Authority.

Where it is clear that the accident or incident was the direct result of the actions of one particular person, you should make arrangements to safeguard children, following your safeguarding procedure and your staff Code of Conduct document.

There will be other records which you hold which may also be included in an investigation, so you should ensure that you keep anything which may be relevant (attendance registers, child records, staff records, accident records, medication records, incident records, training records, relevant policies or procedures etc.).

Decisions will be made by the organisations you have contacted as to what will happen next, and you will need to comply with any instructions given or decisions that are made. You may decide to temporarily close your setting for a few days, or it may be the case that Ofsted will temporarily suspend your registration, according to the circumstances of the case.