

 Features

# Safeguarding in 2024 part 2: Ensuring a person's suitability

27 February [Rachel Buckler](#)

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In part two of her series, Rachel Buckler outlines how to ensure the 'suitability' of persons in positions of trust



In the first of this four-part series, I referred to some concerning and emergent safeguarding themes recognised from within the sector due to unsafe practices and/or poor leadership in early years provision.

In this article I want to focus specifically on the risks that occur directly as a result of unsuitable or unsafe people working with children. While we work within a clear, legislative framework (EYFS, 2024) which explains the expectations of how to keep children safe and well in respect to the suitability of 'any person who may have regular contact with children', the management of the process can be considerably challenging and sometimes not always straightforward.

### **Fulfilling our legal responsibilities and managing ongoing suitability**

The basis of all safe practice will consider compliance as the first and foremost building block upon which to construct other effective strategies and procedures. Compliance with the EYFS means that the provider must ensure:

- enhanced criminal records checks are completed
- disqualification rules are adhered to and applied
- staff know and understand the need to disclose changes that may affect their suitability to work with children.

Processes that take place at the point of recruitment seem far less challenging than those that involve the management of ongoing suitability. This is due to two main considerations. Firstly, there is a reliance upon employees to both understand and choose to disclose the things that may compromise their ability to provide safe care for children.

Secondly, information sharing remains an area of weakness when it comes to communicating concerns about individuals in respect to their suitability and/ or if their personal circumstances impact negatively upon them demonstrating an incompatibility to work with children.

Contemplating the dilemmas of providing honest and evaluative details about a member of staff's questionable suitability in a reference when combined with the relief that they will no longer work in your setting can be tricky.

Many concerns that go under the radar are those that will not necessarily mean any formal process takes place to deter unsafe individuals from continuing to work in the sector. More recently I've seen a growing number of incidences where social care has not been forthcoming with information to providers about parents, whose children are known to them for safeguarding reasons, also work in their childcare settings. This is most concerning.

### **Concerns about people in positions of trust**

The *Working Together to Safeguard Children* statutory guidance (2023) sets out expectations for early years providers in regard to 'people in positions of trust', stating that settings should have 'clear policies for dealing with allegations against people who work with children'.

Furthermore, it explains that these policies should 'make a clear distinction between an allegation, a concern about the quality of care or practice, or a complaint'. Distinguishing the difference between each of these areas is vitally important not just because they may mean different things in terms of an appropriate response but because they can often be interlinked. All should be responded to and not necessarily in isolation.

The Government statutory guidance to which providers 'must take into account' (EYFS 2024) says 'an allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.'

### **The role of the LADO**

Each local authority (England) has a duty to provide a 'designated officer or team of officers known as local authority designated officers (LADO)' (statutory guidance, 2023). Some authorities refer to this person as the designated officer for allegations (DOFA). Their role is to be involved in the management and oversight of allegations made against people who work with children. There is an expectation that managers will be able to determine the nature of allegations and to apply the definition noted in the statutory guidance and follow their own Local Safeguarding Partners procedures.

Good practice when managing allegations will include various processes that include engagement with the LADO:

- Asking advice from the LADO about a situation particularly if you are unsure that the issue constitutes an allegation that meets their threshold to take action.
- Reporting a concern about someone for which a LADO may have previously addressed but where reporting to the Disclosure and Barring Service did not take place.
- Addressing and recording low-level concerns about a member of staff through processes such as professional supervision or appraisal. These may help inform future decisions about suitability and appropriate actions that need to follow as a result.
- Build and maintain good relationships between yourselves and the LADO, fostering professional interactions that focus on appropriate information-sharing protocols and transparency.

### **Understanding transferable risk**

Risks that occur from those working with or in contact with children can include harmful behaviours or actions demonstrated by any individual(s). They can also relate to risks that transfer because of their personal behaviours or association with others outside of the workplace.

Transferable risk can often be difficult to identify or comprehend in terms of the impact that it has upon children's safety and wellbeing. It does, however, involve risk assessment and serious consideration. Obvious examples include a member of staff having a relationship with a sex offender, associations with crime or inappropriate behaviours and conduct outside of the workplace including online that demonstrate unsuitability.

Risks are sometimes deemed transferable when a parent working with children has children themselves who are known to social care. If a child, for instance, is on a child protection plan because of abuse or neglect perpetrated by their parent who also works with children, this automatically impacts the parent's suitability.

It is important to explore with other professionals such as the LADO and social workers working with the family the impact of transferable risk for children in your setting. It is essential that such professionals understand the responsibilities and expectations that providers have to notify Ofsted or their registered agency of any allegations of abuse or harm by anyone living or working with or looking after children in their provision.

Social care should work with the provider to share information that helps them to demonstrate compliance with the EYFS and meet the requirements of the regulator. Most importantly, partnerships between social care, including the LADO and providers, should ensure that all children are safe. Local Safeguarding Partner escalation procedures should be applied where this does not happen or where processes have been delayed or mismanaged.

#### **interview: Imogen Edmunds, managing director, Redwing Solutions**

I asked Imogen, whose company specialises in HR for early years, about its recent experiences of supporting settings where safeguarding issues feature in their work.

**Rachel Buckler (RB):** Are there any common themes or repeated themes that indicate a growing concern about workforce competencies, capabilities and/or the suitability of those working with children?

**Imogen Edmunds (IE):** The themes that we see often include aggression displayed by staff in the workplace. This can include a range of things, for example, staff threatening to hit a child, conflict between staff members such as suggesting a colleague go outside for a fight, and general rough handling of children. We hear of instances such as drug and alcohol abuse, sexualised behaviour towards children, refusal to follow policies (bringing vapes into rooms) and concerns due to children of staff that are subject to child protection and child in need plans. Staff having suicidal thoughts is also a theme for which we are asked to advise clients from a human resource perspective.

**RB:** Are any themes indicative of poor or a lack of experienced leadership in the oversight and management of safeguarding issues?

**IE:** Many of the issues we hear about have been around before we get to hear about them. Often, we are the ones who suggest that an issue may suggest unsuitability. Managers seem to want others to confirm that a matter is one of a safeguarding nature rather than have the confidence in their own judgement. Managers are often promoted from within and have 'blinkers' on when it comes to their friends and work colleagues.

*Rachel Buckler's book [Developing Child-Centred Practice for Safeguarding and Child Protection: Strategies for every early years setting](#) (2023) is published by Routledge.*

## REFERENCES

- Early years foundation stage statutory framework. DfE (2024)
- Working together to safeguard children. HM Government (2023)
- Developing Child-Centred Practice for Safeguarding and Child Protection. Routledge (2023)

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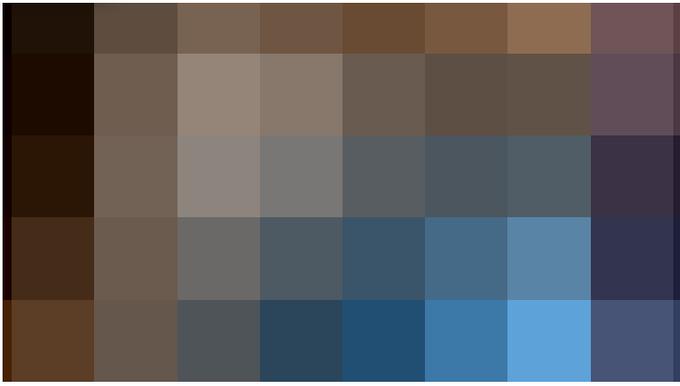
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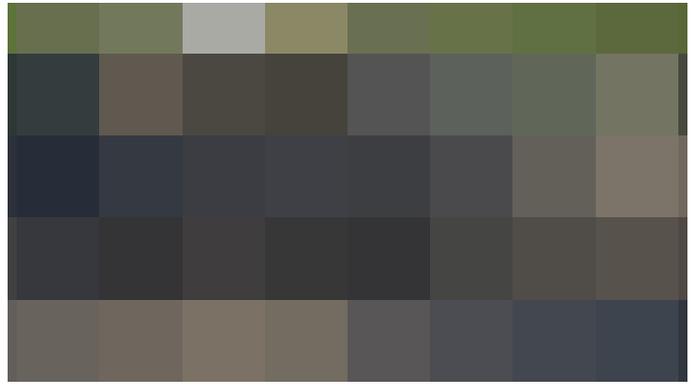




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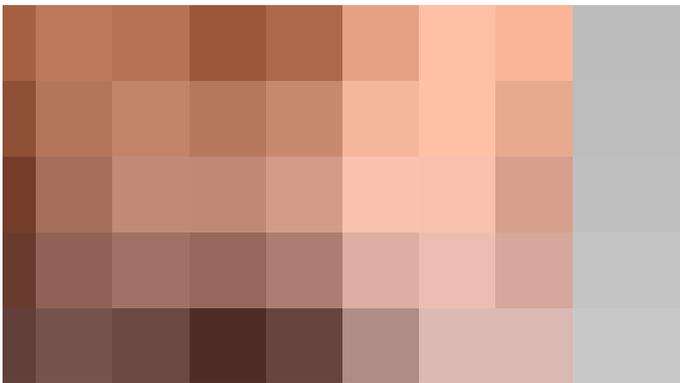
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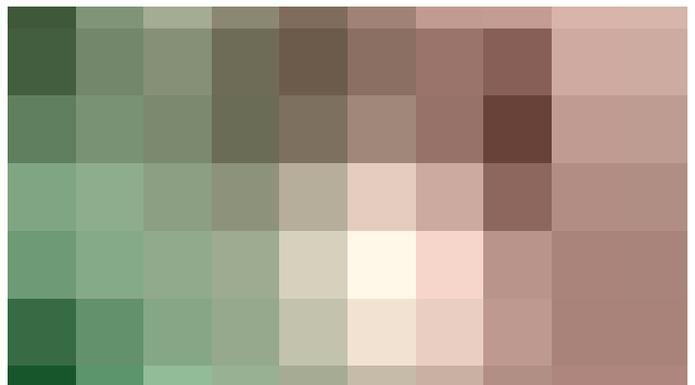
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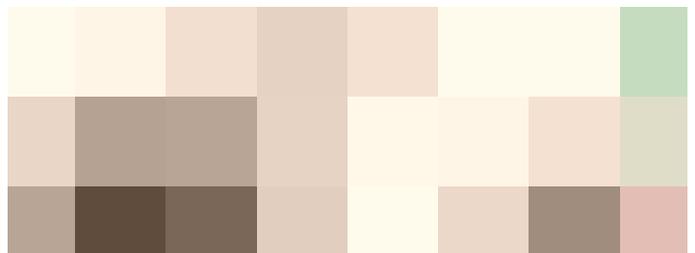
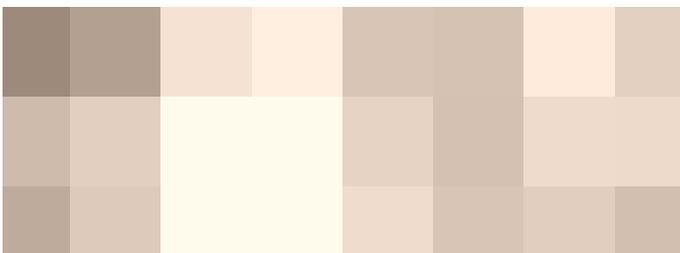
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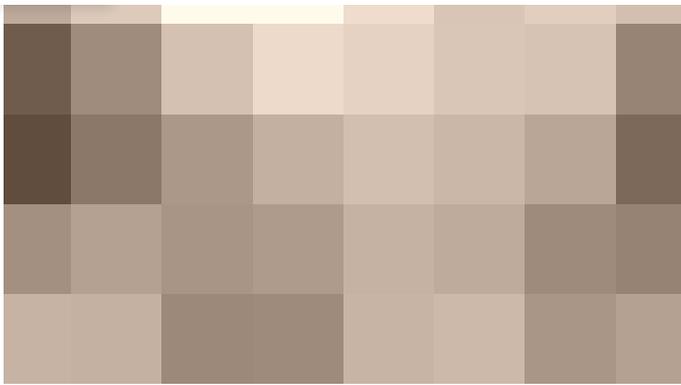


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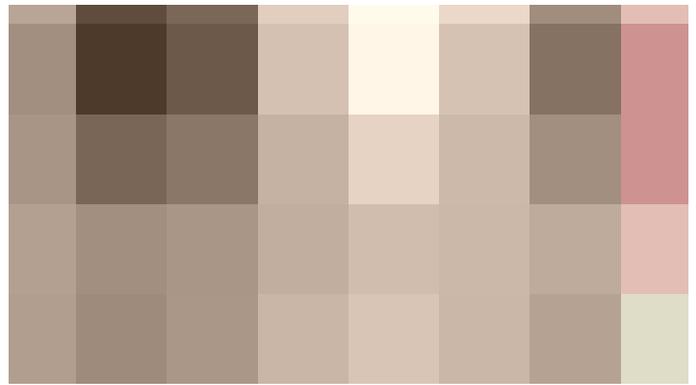




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