



85 – Allegation against staff policy

ALLEGATION AGAINST STAFF POLICY

Managing Allegations of Abuse against Staff Policy

Introduction

It is essential that any allegation of abuse made against a member of staff, students on placement or volunteers in our setting are dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. The procedures outlined in this policy will be followed alongside the complaints procedure and child protection policy.

All staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations will be reported straight away, to the Manager.

This policy follows the Government guidance in chapter 5 of 'Safeguarding Children and Safer Recruitment in Education. "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children" (2006), which sets out the framework for managing cases of allegations of abuse against people who work with children.

Purpose

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. Little Hubbers Day Nursery complaints and child protection procedures will be followed alongside this policy.

This policy will be used in respect of all cases in which it is alleged that a member of staff (including a volunteer, student) 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; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with

children. This will include cases of verbal abuse.

There may be up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- consideration by the Nursery of disciplinary action in respect of the individual.

Supporting Those Involved

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. NB. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate. The Manager will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the manager will also keep the individual informed about developments at the pre-school. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

Resignations and "Compromise Agreements"

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation, and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate.

Similarly, so called "compromise agreements" by which a person agrees to resign, the nursery agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Disclosure & Barring Service (DBS) for consideration of placing the person's name on the Children's Barred List where circumstances require that.

Record Keeping

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. In addition, it will help to prevent

unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay.

Initial Considerations

The Local Authority Designated Officer (LADO, Local Authority Designated Officer) should be informed, by the manager of all allegations of abuse against staff on the same day, even where the police are contacted directly.

The Manager will inform the accused person about the allegation as soon as possible after consulting the LADO (Local Authority Designated Officer). However, where a strategy discussion is needed, or where police or children's social care need to be involved, the manager will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he will be advised to contact the Disclosure & Barring Service (DBS) at the outset.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the manager with the LADO (Local Authority Designated Officer) and other appropriate agencies, such as the police and social services.

In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the manager will consult with the LADO (Local Authority Designated Officer), police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

(NB. The police will be consulted about any case in which a criminal offence may have been committed.)

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police will take account of the fact that pre-school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour, under s.93 of the Education and Inspections Act 2006.

The LADO (Local Authority Designated Officer) and the manager may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the pre-school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

Suspension

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought.

The power to suspend is vested in the Manager and Directors of Little Hubbers Day Nursery. However, they will speak to the LADO (Local Authority Designated Officer) who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the nursery's consideration of suspension.

Action on Conclusion of a Case

If the allegation is substantiated and the person is dismissed or the nursery ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Manager will determine with the LADO (Local Authority Designated Officer) whether a referral to the DBS (Disclosure & Barring Service) is required, or advisable. The school must report to the DBS ((Disclosure & Barring Service), any person (whether employed, contracted or a volunteer) whose services are no longer used because he or she is considered unsuitable to work with children. (The DBS customer services, PO Box 110, Liverpool, L69 3JD, 0870 90 90 811. This report will be made within one month of the decision to cease using the services of that person.

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the nursery will consider how best to facilitate that. We appreciate that most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The nursery will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the nursery

Action in Respect of False Allegations

If an allegation is determined to be false, the manager will refer the matter to children's social services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the manager will consider whether any disciplinary action is appropriate against the staff/child who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a child.

Local Authority Designated Officer

Safeguarding children is everybody's responsibility. All staff members have a responsibility to report a concern if they believe a member of staff has behaved inappropriately towards a child.

All concerns should be escalated to senior management and/or the Local Authority Designated Officer (LADO).

The Role of the Local Authority Designated Officer (LADO)

Allegations against professionals or volunteers working with children are managed through the Local Authority Designated Officer (LADO).

The role of the LADO is to manage cases when it has been alleged that a professional 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 s/he is unsuitable to work with children

The LADO is available to discuss any concerns and to assist with what action needs to be taken to protect a child. The LADO is also available to provide advice and guidance to senior managers on the progress of cases.

The LADO liaises with organisations such as the Police, Ofsted and Social Care to ensure a thorough and fair process for all those involved.

- [More details on LADO procedures here.](#)

Completing the LADO referral form

Section one must be completed and submitted immediately to the Local Authority Designated Officer (LADO) if it is alleged that a person who works with children has:

- Behaved in a way that has harmed, 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

This policy was first introduced on

Signed on behalf of the Nursery

This policy has been reviewed on ?	Signed on behalf of the Nursery