



## **Allegations of Abuse against staff**

It is essential that any allegation of abuse made against a member of staff, students or volunteers, in our setting is 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. Thus, the procedures outlined in this policy will be followed alongside the setting's complaints procedure and Safeguarding 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 DSL or Deputy DSL in cases where the Manager is absent or is the subject of the allegation or concern.

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. The setting's 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 of disciplinary action in respect of the individual

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. 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, will be consulted by the DSL to consider what support the child or children involved may need. The DSL 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 DSL will also keep the individual informed about developments at the setting. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

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



.If a person chooses to give their resignation, or ceases to provide their services, this 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.

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 in the Safeguarding folder. It will provide clarification in cases where a future DBS 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.

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.

The Local Authority Designated Officer (LADO) 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 DSL will inform the accused person about the allegation as soon as possible after consulting LADO. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the DSL 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 they will be advised to contact that organisation 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 DSL with the LADO 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, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

The LADO and the DSL may conclude that the complaint or allegation is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to the nursery 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.

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, DSL and Directors of the setting. However, they will speak to the LADO 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 setting's consideration of suspension.

If the allegation is substantiated and the person is dismissed, or the person resigns or otherwise ceases to provide their services, the Manager will determine with the LADO whether a referral to the OFSTED is required, or advisable. The setting must report to OFSTED, 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. OFSTED must be informed about the allegations and the actions taken.

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 setting 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 preschool.

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 they were not a child.

For full reporting procedures please see the 'Whistleblowing policy' and the 'Whistleblowing flowchart'.