

## ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

Rida Early Years is committed to providing the highest level of care for both its pupils and its staff. We aim to ensure all children in our care are safe from harm at the setting and outside of the setting. It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer in our setting is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, students and parents or carers are aware of how to complain about the behaviour or actions of staff or volunteer within the setting, and the procedure for the investigation of allegations of abuse in order that all complaints are dealt with quickly, consistently, and as efficiently as possible.

We hope that having a clear policy outlined will help students to feel comfortable that they can voice concerns about any member of staff. Allegations will be reported to the Manager immediately or to the Proprietors where the Manager is the subject of concern. All allegations will be taken seriously and investigated immediately.

### Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the setting's **Complaints Policy** and **Safeguarding (Child Protection) Policy** which is accessible in the office or on the setting server.

This policy will be used in any case where it is suspected or alleged that a member of staff, a teacher or a volunteer at the setting has:

- Behaved in such a way that may have harmed a child or may have intended to harm a child. Our **Safeguarding Policy** outlines what it means to harm a child.
- Acted outside of the law in relation to dealings with a child
- Behaved in any way that suggests they may be unsuitable to work with children

### Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- Minimise the risk to the child
- Minimise the impact on the child's academic progress
- Ensure a fair and thorough investigation for all parties.

To enable this, all staff, parents, and students should be aware of the procedures set out in this policy.

### Procedure

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.



### **Reporting an allegation**

- We follow the guidance of the Safeguarding Children Board when receiving an allegation of abuse against a member of staff.
- All concerns of poor practice or possible child abuse by staff should be reported immediately to the Manager and DSL.
- The Manager will inform the Director's in relation to the allegation.
- Complaints about the Manager will be reported to the proprietor who will then contact the Local Authority Designated Officer (LADO).
- The concerned staff member will not be approached at this stage unless they impose an immediate risk to the children.
- All details of the allegation will be recorded and reported to the Local Authority Designated Officer (LADO).

### **Contact Details**

Local Authority Designated Officer (LADO) Ann Crossley 01484 221000

Mobile number 07976 497654

LADO email address [kirklees.LADO@kirklees.gcsx.gov.uk](mailto:kirklees.LADO@kirklees.gcsx.gov.uk)

- A LADO Referral Form may then need to be submitted, which can be found on the [Kirklees Safeguarding Children Board's website](#)
- The LADO will discuss the allegation with the Manager/DSL and where necessary obtain further details of the allegation and the circumstances in which it was made. He will also consider whether there is enough evidence that establishes that the allegation is false or there is not enough evidence, or whether disciplinary action is appropriate.
- The LADO will ensure that enquiries are managed appropriately, and that information is shared between the police, social care and the employer. The LADO will discuss with the employer how the person who the allegation is about will be supported and managed whilst enquiries are being undertaken and how children will be kept safe whilst enquiries are ongoing. If it is evidenced that someone is unsafe to work with children the LADO will ensure required actions have been taken including, when necessary, referring to the Independent Safeguarding Any allegation can require potentially three different enquiries: a police investigation; a child protection enquiry; and a disciplinary enquiry.
- If the allegation is found to be true and there is reasonable cause to suspect that abuse did take place or is taking place, then the LADO will immediately refer the matter to Children's Social Care Services and arrange for Strategy Discussion to be held within one working day of the referral. In the event of a Strategy Meeting being held, then this should occur as soon as possible and will include the LADO (usually as chair) and the Manager/DSL.
- The setting will cooperate fully in any investigation carried out by the LADO and Children's Social Care in conjunction with the police.

- If the Manager and Children's Social Care Services agree that in the circumstances, the chair will suspend the staff member in question. This is not an indication that abuse has taken place, but it is to protect the staff as well as children and families throughout the process.
- Ofsted will be notified regarding the allegation as soon as is reasonably practical, but at least within 14 days of it occurring.

### **Investigation**

An investigation into the allegations is normally carried out by children's social services or by the setting. This will be agreed at the initial evaluation stage. Where the setting is not conducting the investigation, it will cooperate with investigative agencies.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

### **Supporting those involved**

#### **The person(s) who makes the allegation and their parents/carers:**

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.

Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for deciding are usually confidential, but parents will be told the outcome.

Social services and the police may be involved, depending on the severity of the case, and will provide the setting with advice on what type of additional support the child may need.

The setting's **Whistleblowing Policy** which is available from the office enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

### **The Employee:**

Rida Early Years has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process.

The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Manager has spoken to the Director. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation.

The Director's will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from setting. If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation.

The employee may need additional support and the setting should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the police are involved, they may provide this additional support.

### **Confidentiality**

The setting will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

### **Suspensions**

The setting will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working but is removed from the pupil making the allegation.

A suspension may be decided upon if it is deemed that the child or other children may be at risk of harm, or if the nature of the case warrants a criminal investigation. The Manager and the Director holds the power to suspend an employee but will be advised by the police and or social care whether a suspension is necessary.

Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension.

### **Resignations**

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation.

Compromise agreements will not be used in situations which are relevant to these procedures.

### **Record keeping**

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the setting to:

- provide all the necessary information for future settings if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.



The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

The records will be kept by the Chair of Governors.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

### **Action on conclusion of the case**

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the setting to the Independent Safeguarding Authority. The setting will be advised on this by the police and/or social services.

If it is decided that the employee may return to setting (after a suspension) then provisions will be put in place by the setting to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the setting, the setting will consider what needs to be done to manage the contact between employee and child.

### **Action in the case of false allegations**

Where an allegation is proven to be false, the Manager and the Director may refer to social services to determine whether the child needs special care, or to help to understand if they are being abused elsewhere.

If an allegation is found to be intentionally factitious and malicious, the Manager will decide what the proper sanction will be for the pupil who made the false allegation. The setting's **Behaviour Policy** sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against setting staff.

The Manager may wish to include the Directors when considering what action to take. The setting has the power to suspend or expel pupils who make false claims, or refer the case to the police if the setting thinks a criminal offence has been committed.

If the claim has been made by a person who is not a pupil, the setting will hand the information over to the police who may take further action against that person.

### **After the case**

No matter what the outcome is of an allegation of abuse against staff, the setting will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.