

Safeguarding and Welfare Requirements:

Policy Name: **ALLEGATION AGAINST STAFF PROCEDURE
Children Service**

Policy Creation Date: **October 2019**

Last review: **November 2023**

Next review: **November 2024**

Owner: **Children's Service Manager
To be ratified By the Board of Trustees**

Related Documents: **Appendix 12**

Policy Statement

It is essential that an allegation of abuse made against a member of staff, a student on placement or volunteers here at the Rainbow Centre is dealt with fairly, quickly, and consistently, in a way that provides effective protection for our participants 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 Policy and Procedure, Child Protection Policy and Procedure.

All staff 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 Service Manager (EYDSLs).

EYDSL: Eniko Kocsis, Zsuzsi Olexa

Our commitments for safeguarding children are:

We recognise our moral and statutory responsibility to safeguard and promote the welfare of all children.

We make every effort to provide a safe and welcoming environment underpinned by a culture of openness where both children and adults feel secure, are able to talk and believe that they are being listened to.

We maintain an attitude of "it could happen here" where safeguarding is concerned. The purpose of this policy is to provide staff, volunteers and trustees with the framework they need in order to keep children safe and secure in our centre, and to inform parents and guardians how we will safeguard their children whilst they are in our care.

We are committed to promoting awareness of child abuse issues throughout training for staff and volunteers.

We are committed to empowering young children, through the **Statutory Framework for the Early Years Foundation Stage (September 2021)**, promoting their right to be strong, resilient and listened to.

Under the **Counter-Terrorism and Security Act 2015** we also have a duty “to have due regard to the need to prevent people from being drawn into terrorism” (see *British Values Policy Statement*)

1. There are two aspects to consider when an allegation is made:

- Looking after the welfare of the child – the EYDSLs are responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children’s social care.
- Investigating and supporting the person subject to the allegation – the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

2. When dealing with allegations, schools and colleges should:

- apply common sense and judgement
- deal with allegations quickly, fairly and consistently,
- provide effective protection for the child and support the person subject to the allegation.

3. Initial Considerations

- **The Local Authority Designated Officer (LADO, Local Authority Designated Officer) should be informed, by the Executive Director or EYDSL of all allegations of abuse against staff on the same day, even where the police are contacted directly. No internal investigation or conversation must take place before informing the LADO.**

Local Authority Designated Officer:

Barbara Piddington / Fiona Armfield / Mark Blackwell

Tel No: 01962 876364

Email: child.protection@hants.gcsx.gov.uk

- The Executive Director 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 Executive Director 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 Executive Director and EYDSL 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 Executive Director 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 staff are entitled to use reasonable force to control or restrain children in certain circumstances.

- The LADO (Local Authority Designated Officer) and the Executive Director 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 Rainbow Centre 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.

4. Supporting Those Involved

- Parents or carers of a child or children involved will be told about the allegation as soon as practically 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, the Executive Director will contact children's social care, or the police as appropriate. The Executive Director 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 Executive Director will also keep the individual informed about developments at The Rainbow Centre. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset.

5. 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.

6. Confidentiality

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

7. Action on Conclusion of a Case

- If the allegation is substantiated and the person is dismissed or the The Rainbow Centre ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the Executive Director will determine with the LADO (Local Authority Designated Officer) whether a referral to the DBS (Disclosure & Barring Service) is required, or advisable.
- The Centre 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 Rainbow Centre 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 Rainbow Centre 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 Rainbow Centre

8. 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 Executive Director and the Board of Trustees. However, they will speak to the LADO (Local Authority Designated Officer) who may canvas police/social care views about whether the accused member of staff needs to be suspended from contact with children and will inform The Rainbow Centre of consideration of suspension.

9. 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 co-operate.

Similarly, so called "compromise agreements" by which:

- a person agrees to resign
- The Rainbow Centre agrees not to pursue disciplinary action
- 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.

10. 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 in 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 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.

11. Action in Respect of False Allegations

- If an allegation is determined to be false, the Executive Director 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 Executive Director 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.

Legal framework:

This policy has been drawn up based on law and guidance that seeks to protect children, namely:

The Protection of Children Act (1999)
Data Protection Act (2018)
The Childrens Acts (1989 and 2004)
Every Child Matters (2003)
Childcare Act (2006 and 2016)
Children, Schools and Families Act (2010)
Working together to safeguard children (2018)
Counter-Terrorism and Security Act (2015)
Disqualification under the Childcare Act (2006)
Keeping Children Safe in Education (2023)

Contact Details for External Support:

Local Authority Designated Officer:

Barbara Piddington / Fiona Armfield / Mark Blackwell
Tel No: 01962 876364
Email: child.protection@hants.gcsx.gov.uk

Local Safeguarding Children Board:

LSCB, Compliance House, The Walled Garden, Herriard Park Estate, Herriard, RG25 2PL
Email: hscb@hants.gov.uk
Tel No: 01962 876230

Social Services Emergency Duty Call Number: 0845 600 4555

NSPCC Helpline: 0808 800 5000

Ofsted:

National Business Unit
Piccadilly Gate
Store Street
Manchester M1 2WD
Email: enquiries@ofsted.gov.uk
Ofsted Contact Number: **0300 123 1231**

Social Services Emergency Duty Call Number: 0845 600 4555

NSPCC Helpline: 0808 800 5000