



Allegations of Abuse against Staff Policy

Kids Club Ely Ltd and St. John's Pre School is committed to providing the highest level of care for both children and staff. It is extremely important that any allegations of abuse against any 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 of Education set out in the following documents:

- Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (HM Government 2018)
- Keeping Children Safe in Education (Department of Education 2018)

This policy is designed to ensure that all staff, parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. Allegations must be reported only to the management immediately. All allegations will be taken seriously and investigated immediately.

This policy only applies to adults currently working at Kids Club Ely Ltd and St. John's Pre School. Allegations concerning someone who is no longer at the School will be reported directly to the police.

Purpose

The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy aims to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers for false or unfounded allegations. It must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the settings Complaints policy and Safeguarding policies.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the setting 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 he or she would pose a risk of harm if they work regularly or closely with children.

Our child protection policy outlines what it means to harm a child. Cases which are not covered by above will be dealt with under the staff disciplinary arrangements.

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 developmental progress, ensure a fair and thorough investigation for all parties.

Procedure

The procedure for managing allegations of abuse against staff follows statutory guidance set out in 'Keeping Children Safe in Education (2018)'.

Reporting an allegation

All concerns of poor practice or possible child abuse by staff should be reported immediately to management.

Staff who are concerned about the conduct of a colleague towards a child will follow our whistleblowing policy.

The Local Authority Designated Officer (LADO) should be immediately informed of all allegations that come to the settings attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

The setting will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made; the LADO will consider whether a police investigation or a strategy discussion is needed. Other agencies may be invited into the discussion and could include representatives from Health, Social Care or Police.

Responding to an allegation

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.

Support

Parents and carers will be notified by Ann Turner or Cathy Price 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 disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision 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 employee: Kids Club Ely Ltd and St. John's Pre School 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 by management as soon as the allegation has been made. 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 company directors and managers 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.

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. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of the person who has been accused by, or on behalf of, a child from the same setting (where that identification would identify the subject of the allegation). "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification by members of the public). No information will be given to the media.

Suspensions

The setting will not suspend a member of staff without serious consideration. The setting will not suspend a member of staff automatically when allegation has been made. Typically, suspension will only be considered in cases where there is cause to suspect

children at the setting are at risk of harm or the case is so serious that it might be grounds for dismissal. A suspension may be decided upon if it is deemed that the children may be at significant risk of harm, or if the nature of the case warrants a criminal investigation, or where the concern is so serious that it would result in immediate dismissal. The management holds the power to suspend an employee but will be advised by the Police and or Social Care whether a suspension is necessary. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment. The professional reputational damage that can arise from suspension where an allegation is later found to be unsubstantiated, unfounded or malicious must be considered. Where it is deemed that a suspension is appropriate, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension. The person should be informed at the point of their suspension who their named contact is within the organisation and be provided with their contact details.

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. Settings have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

Record keeping

Except in those cases which have been found to be malicious, 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 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 false, unsubstantiated, malicious or unfounded will not be referred to in employee references.

Action on conclusion

The following definitions are used when determining the outcome of allegation investigations:

- Substantiated: there is sufficient evidence to prove the allegation;
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- Unfounded; no evidence to prove the allegation is found.

If it is decided that the employee may return to the 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, management will consider what needs to be done to manage the contact between employee and child.

In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the Children's Social Care Services to determine whether the child concerned is in need of services or may have been abused by someone else. If the claim has been made by a person who is not a child, the setting will hand the information over to the police who may take further action against that person. 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.