**Allegations Against Staff Policy and Procedure (links to grievance procedure and safeguarding policy)**

**Statement of Intent**

* We ensure that all parents/carers know how to complain about staff or volunteer’s actions within the setting, which may include an allegation of abuse.
* We follow the guidance of the Local Safeguarding Children Board (LSCB) when responding to any complaint that a member of staff or volunteer has abused a child.

**Aims**

* The criteria to trigger these procedures are met if the allegation indicates that the member of staff/student 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; or
* Behaved toward a child or children in a way that indicates they may pose a risk of harm to children
* We respond to any disclosure by children or staff that abuse by a member of staff may have taken, or is taking place, by first recording the details of any such alleged incident.
* We refer any such complaint immediately to the LADO to investigate.
* We co-operate entirely with any investigation carried out by social services in conjunction with the police.
* Our policy is to suspend the member of staff on full pay for the duration of the investigation; this is not an indication of admission that the alleged incident has taken place, but is to protect the staff as well as children and families throughout the process.

**Staff Issues**

* Should any staff member have a concern about the behaviour of a member of staff, this should be voiced immediately.
* You should inform your supervisor of any incidents where you feel the code of conduct has been breached.
* In the absence of your supervisor in the instance that the concern is against your supervisor you are advised to contact the LADO (Local Authority Designated Officer) on 0300 123 2224, without delay.
* Ofsted must be informed as soon as possible but within at least 14 days on 0870 218 3800
* YOU MUST NOT speak to the member of staff or adult concerned OR take any action about the allegation until you have spoken with the LADO, as this could jeopardise any possible subsequent investigation.

**Allegation procedure**

Handling allegations, particularly serious ones, is a complex and delicate process. All allegations need to be taken seriously. Good record keeping is essential to the success of child protection practises.

1. ***Allegation is made***: All allegations against staff or any observations of inappropriate behaviour by a member of staff should be brought to the attention of the supervisor in the strictest confidence.

2. ***Report allegation***: the senior member of staff will notify LADO immediately. They must also report this allegation to Ofsted.

3. ***Initiate allegation procedures***: The LADO will decide whether the incident fits the criteria of an “Allegations against a member of staff” in other words: Did the alleged incident potentially cause harm to the child? Does the alleged incident constitute a criminal offence? Does the alleged incident suggest that this person is potentially unsuitable to work with children? Allegations procedures are clearly outlined in Safeguarding Children & Safer Recruitment in Education and should be held to the recommended timescales to avoid unnecessary distress to all involved.

4. ***Workplace arrangements***: The LADO will advise whether the member of staff should remain in the workplace or whether they should go on “gardening leave” or be suspended until the investigation is resolved. If the member of staff remains in the workplace, safeguards will be put into place to protect the member of staff and the child/children involved. The member of staff will be advised to contact their union representative (if applicable) and the senior member of staff will keep both the member of staff and the family up to date with regard to timescales of meetings and the procedures being put in place.

5. ***Strategy meeting***: The LADO will schedule a strategy meeting with the representative from the setting and from the police. A new police check will be conducted prior to the strategy meeting to determine whether any previous incidents involving that member of staff are known and have not been declared.

6. ***Decisions and next steps:*** Professionals at the strategy meeting will decide what next steps to take- these may include criminal proceedings, child protection procedures, disciplinary procedures, training needs, or no further taken.

* If a member of staff is accused: - **Needs** **to link to grievance procedure**

**If allegation false –**

* Suspension would be lifted and the staff member would return to work

**If allegation true –**

* Relevant organisations would be contacted. (Ofsted, Department of Health administrators, so that the name may be included on the List for protection of Children and Vulnerable Adults)

**Parents/carers to be kept informed at all times**

**Managing Child Protection Allegations Against Staff**

Key practice issues that should be undertaken include:

* Gather as much information from the complainant as possible – this is only to clarify points, do not investigate
* Keep dialogue or discussion with the alleged perpetrator to a minimum until LADO/Police have been consulted
* Consider that potentially a crime may have been committed and therefore it is essential any evidence is not contaminated eg CCTV tape, witness observations, any implements used (eg hit with a shoe), day records or logs, ‘accident book’
* Dependent on the nature of the allegation (particularly if it relates to possible sexual abuse), an employer may be advised not to alert the alleged perpetrator to the concern.
* Keep clear written records of discussion or observations
* Identify all circumstances, both within their role and outside work, where the individual may present a risk to children eg scout leader, parent, aunt, Sunday school teacher – and inform investigating agencies of this

**Disciplinary and capability/competency procedures**

Child protection procedures should cross-reference to disciplinary procedures at the earliest point. This is necessary so that if the Safeguarding Children investigation is inconclusive or does not result in a criminal conviction the employer can still take action against a worker if ‘gross misconduct’ is identified, or provide training within competency procedures. An individual may not be assessed as perpetrating abuse but still present a risk to children due to their behaviour, practice or attitude.

An allegation may identify that a person is a risk to children and that immediate safeguards should be put into place.

Contact with LADO must occur within one working day following the allegation being reported.

* Ofsted – 0870 218 3800
* LADO/Somerset Direct 0300 123 2224. Completion and return of an Allegations Reporting Form (ARF) to Somerset Direct: childrens@somerset.gov.uk

Updated and Implemented Autumn Term 2023- Reviewed regularly and the procedure monitored and evaluated