



Allegations Against staff – Complaints policy & guidelines.

(Please refer to our Child Protection & Safeguarding Policy and Whistle Blowing policy)

Sometimes allegations of abuse are made against staff in child care settings. Whilst this can be distressing, every allegation must be investigated thoroughly and independently to take account of the best interest of the child and to allay any lingering doubts or suspicions that may be apparent.

Allegations against staff procedure should be used in all cases in which it is alleged that a person working with children 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 she/he is unsuitable to work with children.
- Shown inappropriate behaviour displayed by other members of staff, or any other person working with the children. For example, inappropriate sexual comments, excessive one to one attention beyond the requirements of their usual role and responsibilities or inappropriate sharing of images. (Please refer to our Mobile Phone and Video & Photographic Policy).

If the allegation is against a worker, full co-operation will be sought from those in charge and the individual member of staff.

Information concerning an allegation must be reported to the Safeguarding Officer and trustees who will then inform the Local Authority Designated Officer for Allegation Management (LADO); Darrel Clews his direct telephone is 01273 295643 and his email is darrel.clews@brighton-hove.gov.uk. If the allegation is against the Safeguarding Officer or a trustee, the LADO must be contacted directly.

Procedure

- Any concerns about the behaviour of a member of staff towards a child must be reported to the supervisor/safeguarding officer who will instigate the Allegations against staff procedure and Child protection/Safeguarding procedures.
- In the case of serious allegations it may be necessary to suspend the member of staff immediately until the investigation is concluded. The LADO can advise on this but generally it would be appropriate if there is cause to suspect a child is at risk of

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significant harm, or allegation warrants investigation by the police, or it is so serious it might be grounds for dismissal. The power to suspend is vested in the employer alone.

- In other cases it may be appropriate to modify the individual's duties and offer them work away from the setting, such as office work or offer them to work from home. Whilst the investigation is carried out, the member of staff will remain on full pay.
- The safeguarding officer has a duty to report any concerns to the LADO, children's social care services (via the ACAS service), the police and Ofsted. The LADO will advise on which agencies need to be informed.
- Throughout the investigation, the organisation and its staff will be expected to comply fully and any internal investigation must not impact on the work of the police or social services. Advice should be sought on when it is appropriate to carry out an internal investigation or disciplinary hearing, whether this can be taken forward in parallel with the criminal process, or whether it will need to wait completion of the police enquiries and/or prosecution.

Supporting those involved

- The parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know, again the LADO can advise on who would be most appropriate to contact parents and what information they should be given, if the child requires medical treatment then you must inform them immediately. Parents should be kept informed about the progress of the case, and told of the outcome where there is not a criminal prosecution. This includes the outcome of any disciplinary process (NB, the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but those concerned should 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, should consider what support the child or children involved may need.
- The employer should also keep the person who is subject of the allegations informed of the progress of the case, and arrange to provide appropriate support to the individual while the case is ongoing. If the person is suspended the employer should also make arrangements to keep the individual informed about developments in the workplace.

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Confidentiality

- Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

Resignations and 'compromise agreements'

- The fact that a person tenders his or her resignation, or ceases to provide their service, must not prevent an allegation being followed. Wherever possible the person should be given full opportunity to answer the allegation and make representations about it.
- So called 'compromise agreements' by which a person agrees to resign and the employer agrees not to pursue disciplinary action must not be used in these cases.

Record keeping

- It is important that employers keep clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on a person's personnel file and give a copy to the individual. Such information should be retained on file, including for people who leave the organisation to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future vetting and barring reveals information from the police that an allegation was made but did not result in prosecution or a conviction and will prevent unnecessary re-investigation if, as sometimes happens, allegations re-surface after a period of time.(please refer to the Safeguarding Vulnerable Groups Act 2006)

Timescales

- It is in everyone's interest that cases are resolved as quickly as possible and are consistent with fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay.

Oversight and monitoring

- All members of staff within Tarner Community Project should know who the Safeguarding Officer is and their role and responsibility. The procedures should also identify an alternative person to whom reports should be made in the absence of the named person, or in cases where that person is subject of the allegation or concern,

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and include contact details for the local authority designated officer responsible for providing advice, liaison, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible. See Child Protection and Safeguarding policy for contact details.

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