

Managing Allegations Against Staff

Overview

Allegations and complaints against staff can be minimised by having:

- > Safer Recruitment strategies in place
- > Appropriate induction and training
- > Open and transparent safeguarding ethos
- > Regular briefing and discussion of safeguarding issues

An **allegation** is any information which indicates that a member of staff/volunteer may have:

- > behaved in a way that has harmed a child or may have harmed a child;
- > committed a criminal offence against or related to a child; or
- > behaved towards a child or children in such a way that indicates he or she would pose a risk of harm if they worked regularly or closely with a child.

Procedure

When an allegation is received:

- > Take the matter seriously and keep an open mind;
- > Do not investigate;
- > Do not promise confidentiality to the informant.

> Written Record

Make a written record of the allegation using the informant's words (including time, date and place where the alleged incident took place, what was said and anyone else present; sign and date).

This must then be reported to the Designated Safeguarding Lead (DSL), unless the allegation is about the safeguarding lead then it must be reported to The Director of Operations.

Make sure the DSL has full details of the person against whom a concern has been raised and the person who is the subject of the concern.

This applies to any child the member of staff/volunteer has contact with in their personal, professional or community life.

> Key issues to note:

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

Priority should be given to resolving the matter as soon as possible (usually within one month).

Staff should not be automatically suspended.

Allegations found to be unfounded or malicious should be removed from personnel records.

Children making malicious allegations should face appropriate sanctions.

Considerations

To be considered under these guidelines, the allegation must meet the following criteria.

The person must have:

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 such a way that indicates he or she would pose a risk of harm if they worked regularly or closely with a child.

Cases which do not meet the above criteria should be dealt with using the Head of Operations' and Safeguarding Lead's discretion.

> Initial Considerations

Where the concern meets the criteria, the Head of Operations and Safeguarding Lead should immediately meet and contact the relevant agencies and ensuring such matters are dealt with consistently and in a timely fashion.

The initial discussion with the Head of Operations and Safeguarding Lead will consider the nature of the allegations and the course of action

Actions to be agreed:

- > What further information is required?
- > Whether any immediate action needs to be taken to protect members.
- > When and what should the parents be told.
- > What should be said to the adult facing the allegation?
- > Whether suspending the member of staff is required.

Suspension should not be an automatic response.

Suspension should only be considered where:

- > Children are at risk of serious harm; and
- > the concern is so serious that it would result in immediate dismissal.

The reason for suspension must be communicated to the person in writing within one day.

Alternatives to suspension might include assignment to alternative work or the deployment of another adult to work alongside the accused person.

Possible outcomes of the initial discussion:

- > Strategy Meeting normally held within three days held with HR
- > Referral to Social Care
- > Referral to Police for investigation
- > No further action (NFA)

In the case of NFA, the Academy then decides how to proceed further, which may include internal disciplinary action. Informal action should be resolved within in a timely fashion. Most cases should be concluded with one month.

Any investigation should be undertaken by The Head of Operations, DSL and HR.

After consulting the Head of Operations, the accused person should be told about the allegation. The amount of detail should be agreed with the DSL and will range from the minimum (where a Strategy Meeting is to be held) to the greatest amount of detail following an 'NFA' decision. The person should be told about the likely courses of action. Tubersl should appoint a named person to offer support to the affected person.

It is important that confidentiality is maintained. It is helpful to consider how to manage speculation, leaks and gossip. No information should be offered to the media nor should any details be published that would identify any person under investigation, unless or until the person has been charged with an offence.

> Outcome of Allegations

The outcome of allegation investigations should be identified as one of the following:

- > **Substantiated** // There is sufficient evidence to prove the allegation.
 - > **Action** Discussion with HR and/or other professionals, about referral to DBS and/or a Disciplinary Hearing
- > **False** // There is sufficient evidence to disprove the allegation.

> **Action** Where the allegation is found to be false, unsubstantiated, or malicious, the information should not be included in any reference.

> **Unsubstantiated** // This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

> **Action** Where the allegation is found to be false, unsubstantiated, or malicious, the information should not be included in any reference.

> **Recording** There should be a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept in the confidential personnel file of the accused, and a copy provided to the person concerned.

The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

> **Malicious** // There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

> **Recording** Details of allegations that are found to have been malicious should be removed from personnel records.

In addition, there is a further outcome type which Tubers may wish to use, after liaison with their HR/legal advisors:

> **Unfounded** // there is no evidence or proper basis which supports the allegations being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.