

# Managing Allegations Against Staff Policy



## Policy

If an allegation is made against a member of staff, or if anyone has a concern, it is their duty to inform the Designated Safeguarding Lead (DSL) on the day immediately and without undue delay.

## Procedure

The DSL will establish the facts and consider the following:

- Whether there is an immediate risk of harm needing immediate action, such as review of duties or change of environment.
- Refer to the LADO as soon as possible, and in any case within 24 hours of the allegation being made, which meets the following threshold that a member of staff 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 may pose a risk of harm to children.*
  - *Behaved or may have behaved in a way that indicates they may not be suitable to work with children. .*
- Refer to other agencies as appropriate e.g., the police etc.

The setting **must not** commence any type of investigation until the LADO confirms that the allegation is passed back to the reporting DSL to complete an internal investigation.

The DSL may make the decision to place the member of staff on to non-contact duties; If the allegation suggests that the staff member poses an immediate risk to children then they must be removed from childcare duties. You must not suspend a member of staff without speaking to the LADO first. When considering suspension for a staff member a Suspension Risk assessment must be completed where it is deemed as necessary.

Following advice given by the LADO and where the case had been passed back to the DSL to investigate, all incidents and allegations will be investigated without undue delay, informing the member of staff against whom the allegation has been made. If the member of staff is absent from the setting for any reason, where appropriate after seeking HR advice, they will be contacted to attend a meeting to discuss the allegation. This will also include if the member of staff has since left the setting.

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Where it is not possible for the individual to attend, the incident can be discussed over the phone or online, with notes of the conversation written and shared with the individual for confirmation of accuracy.

Should the LADO decide this meets their threshold to investigate, or be passed to another applicable authority, the DSL will support the investigation and any procedures to ensure the allegation is adequately concluded.

All investigations will be completed in line with Tiny Oaks Day Nursery Investigation, Disciplinary and Grievance policy. The investigation, allegation and any subsequent information regarding the alleged incident will always remain in the strictest confidence, information must only be shared on a need-to-know basis.

Managers must report all incidents/allegations to LADO.

A summary of serious incidents/allegations will be reported to OFSTED within 14 days or as soon as reasonably possible, describing the allegation, the steps taken and any outcomes to date. Following investigation, further referral to the Disclosure & Barring Service (DBS) will be made if required and recorded in the nursery files in line with the Investigation, disciplinary and grievance policy. All information regarding the alleged incident, investigation and any subsequent appendices must remain on site.

Managers must provide support, advice, and guidance to all staff on an ongoing basis and on any specific safeguarding issues as required. An allegation does not presume guilt or definitive occurrence, the setting employer also has a legal duty of care to the employee and should ensure they remain in contact with the employee throughout the investigation.

If your concern is regarding the Designated Safeguarding lead, a Senior Manager, or the Nursery Director/Owner you must escalate your concerns with either of the following:

- Deputy/ nominated Safeguarding lead
- LADO

The conclusion of an internal investigation will be accompanied by an investigation outcome letter or disciplinary outcome letter if applicable. Should the staff member be returned to work following a suspension a welfare/return to work meeting should be held.

**See also Allegations Against a Member of Staff flow chart.**

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## Linked Policies

Safeguarding Policy  
Investigation, Disciplinary and Grievance Policy  
Whistleblowing Policy

<i>This policy was adopted on</i>	<i>Signed on behalf of the nursery</i>	<i>Date for review</i>
<i>16/1/2023</i>	<i>m khaira</i>	<i>16/01/2024</i>