

Allegations against Staff Policy - Homes for Children 2019.

Legislation:

This policy must be read in conjunction with the Local Safeguarding Children's Board Procedures relevant to the location of the home.

In line with **Working Together to Safeguard Children (2018)** this policy must also be read in conjunction with LSCB Protocols for Missing from Home and Care and Education Procedures for the area where the home is located.

Children's Homes Regulations 2015 – Standard 12.

Introduction:

This policy outlines the key responsibilities/procedures that must be followed immediately after an allegation is made against a member of staff/Manager.

An allegation may relate to a person who works with children who 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 towards a child or children in a way that indicates they may pose a risk of harm to children.

Immediate Actions if Concerns/Allegations are Made/Raised

“Any allegation should be reported immediately to a senior manager and HR within the organisation. The LAO (*designated safeguarding officer*) should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police; and if an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason. “

Working Together 2018

Within the Children's Homes, the Manager is responsible for co-ordinating Child Protection Referrals and Allegations. Under no circumstances should information about the concerns/allegations be given to a person who is implicated or against whom an allegation has been made.

For example, if a colleague is implicated or there are any concerns or allegations that they may not follow appropriate procedures, staff must report their concerns to one of the following:

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The Responsible Individual (Op lead Placements) for the Home or Strategic Lead.

- The Designated Child Protection Manager or an Operational Lead who is not implicated;
- The Child's Social Worker/ Team Manager;
- Ofsted;
- EDT Duty Team out of office hours;
- The NSPCC;
- The Police if advised by EDT/ SW or Designated Safeguarding Officer (DSO).

Initiating Child Protection Enquiries

Once the concern or allegation has been made/raised - assuming it has been made to a Manager - the following actions must be taken.

The Manager must ensure that the Responsible Individual and DSO is notified of the allegation.

The DSO will advise on the actions/measures that must be taken including notifications to the following:

- The Child(ren)'s Social Worker who will discuss who is best to notify parents and any actions that need to be taken to protect the child(ren)
- Ofsted, if a Child Protection Enquiry is initiated under Regulation 40
- Referring the Member of Staff to the Disclosure and Barring Service
- Identify who will undertake the independent investigation on behalf of the LA.

In consultation with all the agencies (e.g. the Children's Services/DSO, relevant Social Workers and Ofsted), decisions will need to be taken about the ongoing safety/placement arrangements of the Child(ren) and the person that the allegation is against e.g. it may be necessary to move/suspend or place staff on alternative duties.

It will also be necessary to co-operate with the procedures initiated by the DSO/Children's Services which may include:

- A Strategy Discussion;
- A Child Protection Enquiry (S47) to determine if this will be a joint or single agency investigation.
- A position of Trust Meeting.

Having reported concerns to one of the above, the member of staff should be informed of the outcome within 2 or 3 days; if this does not happen, the concern/allegation should be reported to another of the people/agencies listed.

Guidance on What to Say in relation to staff

If it has been determined that the member of staff cannot remain on duty, they should initially be sent home and agreement made as to who will contact them to update them on the ongoing investigation. They should be advised not to discuss this with any of their colleagues to protect both themselves and the young person. This is a neutral act. Managers will discuss with HR what options are available to the

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member of staff in relation to 'work' whilst the investigation is ongoing. Suspension should only be used if there is no alternative or if the allegation is gross misconduct and being at work may impact the process or outcome of the investigation or potentially place children at further risk.

The following are principles of good practice which must be adhered to when receiving/reporting concerns. However, this guidance is not exhaustive, all staff should have received training on receiving and reporting child protection concerns - if in doubt, staff must immediately consult the Homes Manager or another manager who is not implicated.

Staff may ask questions or seek clarification about concerns raised with them, but they may not take any actions to investigate or in any way make judgements about what is reported to them. Investigations or enquiries, if necessary, must be undertaken by properly trained, independent, professionals - usually social workers representing Children's Services.

Staff must not inform or discuss concerns/allegations with any person who is alleged or reported to be the perpetrator, including any colleague/manager. If a manager is implicated, staff must ensure that any reports are passed to an independent manager or directly to Children's Services and the Social Worker. Information may also need to be shared with the Police or Ofsted (regulation 40) or if there is a potential or ongoing police investigation.

Staff must not give absolute guarantees of confidentiality to those who report possible Significant Harm to them, but they should guarantee that the information will only be passed to the minimum number of people on a 'need to know basis' to ensure effective action is taken to resolve the problem.

When young people make disclosures or complaints:

DO

- Listen to the child attentively;
- Maintain eye contact;
- Allow the child to talk, but don't press for information;
- Tell the child that they are not to blame for anything that has happened;
- Reassure the child that they were right to tell;
- Let the child know that other people will be told so that they can be protected;
- Try to explain in a way that the child can understand.

DON'T

- Promise to keep secrets;
- Make any promises you can't keep;
- Interrogate the child or ask leading questions;
- Cast doubt on what they have said;
- Make the child feel responsible for what's happened;
- Show anger;
- Panic and act hastily (it's unlikely to be a life threatening situation);

- Share information with others about what you have been told unless you are required to in order to immediately safeguard a young person;
- Share the information with the person the allegation is against.
- Staff should not make assumptions about what they have been told which impacts their duty and responsibility to follow these procedures.

Staff must make a written record as soon as possible of what they have been told, using the child's own words detailing the questions they asked and the replies given and the actions taken and by whom. They must then give the report to the Manager (except any Manager who may be implicated).

A record should be placed on the child's files stating that an allegation or disclosure has been made, but full details must be stored confidentially and separately within the home to ensure confidentiality. Information only needs to be shared on a need to know basis with staff.

Managers will complete the 'Managers investigation log' to track and evidence the ongoing and outcome of any investigation.

HR Procedures Relating to Allegations Against Staff

Support Manager

During the investigation, a manager will be allocated to act as Lead/Co-ordinator for the case - this person will be responsible for monitoring the enquiries/investigations and liaising between the various agencies concerned and updating & consulting with HR.

The Lead/Co-ordinator will also keep all managers and Ofsted informed as the case/enquiries progress and will be the first point of contact for any staff who are implicated/suspended.

Supporting Staff

The Lead/Co-ordinator will either act as support person for any staff that are implicated/suspended, or will have agreed with the DSO another person to act in this role.

Case Evaluation and Review

Once the Enquiries and any Police Investigation have been concluded, the Homes Manager will consult the DSO and jointly come to a decision about the following:

- Whether an internal disciplinary or other investigation should be initiated;
- Whether any policies, procedures or processes should be amended;
- Whether any training or other measures are required;
- Reflect with the RI any learning that needs to be shared with the wider service to practice and/or prevent harm to children.

If any allegation against a member of staff is substantiated and/or a member of staff is dismissed, a referral should be made to the Disclosure and Barring Service in consultation with the DSO. Consideration will then be given as to whether the

individual should be barred from, or have conditions imposed in respect of, working with children.

For more information please go to: Disclosure and Barring Service (DBS) Website by clicking [here](#).