



Holden Knight Recruitment Ltd

Managing Allegations Against Staff Policy

Human Resources v1.3

Review Date: November 2027



Managing Allegations Against Staff

1. Overview

- 1.1 This policy outlines the key responsibilities/procedures that must be followed when an allegation is made against any member of staff that may 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;
 - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or
 - Behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 1.2 An allegation or concern raised about a member of staff may arise from a number of sources, for example, a report from a child, a concern raised by another adult in the Company, or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

2. Allegations dealt with by this procedure

- 2.1 These procedures should be applied when there is an allegation that any person who works with our children, in connection with their employment or voluntary activity. These procedures also apply to independent contractors such as those who may provide a coaching or tuition service.
- 2.2 Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and young people, together with other offences or behaviour which call into question their capacity to work with children - e.g. domestic abuse or other offending behaviour, should also be considered under these procedures.
- 2.3 Other examples include having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual. 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence or other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc. in breach of our Employee Code of Conduct.
- 2.4 In addition, these procedures should be applied when there is an allegation that any person who works with children:
- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or indecent images of children;
 - As a parent or carer, has become subject to child protection procedures;
 - Is closely associated with someone in their personal lives (e.g. partner, member of the immediate family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.
- 2.5 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria at para 2.2 to 2.4 above).

- 2.6 Issues that do not meet this threshold may constitute conduct, performance or disciplinary issues and will be addressed by Holden Knight using the appropriate HR procedures.
- 2.7 Incidents which fall short of the threshold could include an accusation that is made second or third hand (by someone who did not witness the alleged incident) and the facts are not clear or there is confusion about the account.
- 2.8 Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed between the Service Manager and LADO. If it falls short of this threshold there may still be a role for the LADO to provide advice and support. Where the matter constitutes a conduct or performance issue, the Manager should follow the appropriate disciplinary procedures and let the LADO know of the outcome.
- 2.9 Allegations of non-recent/historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation and notify Children's Social Care Services. Non-recent or historical allegations of abuse should also be referred to the Police.
- 2.10 Any allegation of abuse must be dealt with quickly and in a fair and consistent way which provides effective protection for the child(ren) concerned, while at the same time supporting the person who is the subject of the allegation.

2.11 **Whistleblowing**

All staff should be made aware of Holden Knight's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the Company, they should report the matter to their LADO.

3. Coordinating the Response to Allegations/Role of the DSL

- 3.1 During the Child Protection Enquiry and/or any Police Investigation, the Designated Safeguarding Lead (DSL) will act as Case Manager/Lead Co-ordinator for the case (or through delegation to another senior manager).
- 3.2 The DSL will be responsible for monitoring the enquiries and overseeing any investigations. They will liaise between the various agencies concerned and Holden Knight (if the DSL is implicated the lead person will be the Service Manager).

4. Initial action by person receiving an allegation or concern

- 4.1 The initial response to a young person reporting an allegation or concern is important. Children are most likely to make a disclosure to someone they trust, so it is important that everyone working in the service is clear about what they should do in the event of a disclosure.
- 4.2 The person to whom an allegation or concern is first reported should reassure the child that they have done the right thing in making a report and explain what they will do next, including who the information will be shared with.
- 4.3 It is important to listen carefully to the child/person making the report; do not ask leading questions, only prompt where necessary with open questions (where, when, what etc.) and to be non-judgemental.
- 4.4 Staff must not promise confidentiality but explain what will happen next, including that the concern will have to be shared further, but only with the Designated Safeguarding Lead at this stage (who will decide whether the matter should be referred to the LADO).

- 4.5 For any stakeholder to report a safeguarding concern, we have a clear process in place. For tutors, as soon after you have recognised a safeguarding concern, and if possible, write down your concerns/events/conversation where a disclosure has been made and the specific reasons for your concern (context).
- 4.6 Staff should contact your dedicated Holden Knight Account Manager, via telephone to 0800 0472313 and/or email your concern to intervention@holdenknight.com in the first instance and we will contact you to discuss, support and escalate further via our Holden Knight Designated Safeguarding Lead (DSL).
- 4.7 We will ask staff to provide a clear and factual written statement, as soon as possible after recognising a concern. Please send your written statement to our DSL safeguarding@holdenknight.com and copy in intervention@holdenknight.com.
- 4.8 The Holden Knight DSL will respond to you to confirm, discuss further the context of the safeguarding issue that you have raised. The DSL will investigate and record the incident and refer the concern to appropriate agencies, i.e. for children under 18, Children's Social Services, for vulnerable young adults over 18, Adult Social Services.
- 4.9 All information throughout our Safeguarding reporting a concern is strictly shared on a "need to know" basis.
- 4.10 Staff should not:
- Investigate or ask leading questions if seeking clarification;
 - Discuss the allegation with the alleged perpetrator;
 - Make assumptions or offer alternative explanations;
 - Promise confidentiality but give assurance that the information will only be shared on a 'need to know' basis.

5. Initial action by the DSL

- 5.1 When informed of a concern or allegation, the DSL should not formally investigate the matter or interview the member of staff, the child concerned or seek potential witnesses.
- 5.2 They should continue to gather factual information in regard to the incident and ensure any evidence is preserved. This fact-finding should be a neutral process and should not amount to an investigation of the incident. They should:
- Obtain written details of the allegation, signed and dated by the person receiving (not the child/adult making the allegation);
 - Approve and date the written details;
 - Record any information about times, dates and location of incident/s and names of any potential witnesses;
 - Record discussions about the child and/or member of staff, any initial decisions made, and the reasons for those decisions.
- 5.3 If the DSL is concerned that there is an immediate risk to children, the Police should be contacted without delay.
- 5.4 Whether the concern is progressed further by the LADO or alternative routes are sought, the DSL should promptly advise the placing authority of the concerns and the actions that have been taken. Ofsted (the regulatory authority) must be notified of any allegation of abuse against the Home or any person working there.

- 5.5 The DSL should review the information available and consideration should be given as to whether the case meets the threshold of harm/risk of harm or whether further details are needed.
- 5.6 If the DSL is confident that following the fact finding there is clear evidence or information that establishes that the allegation is demonstrably false, unfounded or vexatious, the placing authority, the child's social worker and LADO should be advised accordingly. Appropriate support and/or guidance may be put in place to avoid any similar or further allegation being made in the future and the Child's Care Plan should be updated accordingly together with a summary of why no further action was taken.
- 5.7 If the DSL is unclear whether the incident meets the threshold of harm/risk of harm they may wish to seek advice from HR and/or LADO.
- 5.8 If it is decided the concern meets the threshold of harm/risk of harm and therefore is an allegation the DSL should report the allegation to the designated officer in the local authority (LADO) within 1 working day. Referrals to LADO should not be delayed in order to gather additional information. A failure to report an allegation or concern in accordance with this procedure is a potential disciplinary matter.

6. Working together with LADO

- 6.1 The role of the LADO is to manage and oversee allegations against people who work with children. This includes providing advice and guidance, liaising with the Police and other agencies, resolving any inter agency issues, monitoring the progress of cases to ensure they are dealt with as quickly as possible and consistent with a fair process.
- 6.2 The initial discussion between our DSL and the LADO will consider the nature, content and context of the allegation and agree a course of action. The DSL may be asked to provide additional information, such as previous history of the child or member of staff concerned.

7. Initial consideration by the DSL and the LADO

- 7.1 The LADO will consult with the DSL and other relevant agencies (e.g. the local authority, the Police, relevant social workers and Ofsted), in order to manage and coordinate decisions which will need to be taken in relation to the member of staff against who the allegation has been made. This will include:
- Whether it is necessary to move or suspend staff, or can they be moved to other duties which do not involve direct contact with children or vulnerable adults;
 - In relation to the child, whether they should move from the placement.
- 7.2 The LADO's decision in consultation with the DSL will be one of, or a combination of the following:
- (i) The allegation is clearly and demonstrably without foundation and no further action will be taken.
 - (ii) The allegation represents poor practice or inappropriate behaviour - which should be considered under the Company's Disciplinary Procedure.
 - (iii) A criminal offence is alleged - which requires referral to the local Authority/Children's Social Care Team and Police;
 - (iv) The child is alleged to have suffered, or is likely to suffer Significant Harm - which requires immediate referral to the local authority/Children's Social Care Team;

- 7.3 If the initial sharing of information and evaluation may lead to a decision that no further action is to be taken as per 7.2 (i), the decision and its reasons should be recorded by the DSL and the LADO. Agreement should be reached about what the next steps should be, together with the information that will be provided - in writing - to the individuals concerned. Follow up support may need to be considered for both the subject of the allegation and the child/young person.
- 7.4 The Strategy Discussion will determine what action should be taken regarding further investigation. If the initial discussions conclude the situation is defined as outlined in 7.2 (ii) an investigation will be initiated under the Company's Disciplinary Procedure. An Investigation MUST NOT take place before LADO has passed it back to the Company for internal investigation and action.
- 7.5 If the conclusion of the initial discussions is 7.2 (iii) or (iv) a Strategy Discussion should take place involving Police, Children's Social Care, the DSL, LADO and if necessary a representative from Holden Knight. The discussion will focus on the needs of the child(ren) that may be at risk.

8. The Strategy Discussion/Meeting

- 8.1 The police will be consulted by LADO about any case in which a criminal offence may have been committed. If the threshold for harm is not reached, but a police investigation might be needed, the LADO should immediately discuss the case with the police and, where necessary, convene a strategy meeting, to include the police, employer and other agencies involved with the child.
- 8.2 Holden Knight must not take any disciplinary action before the outcome of the strategy meeting is known and it has been agreed we can commence our internal investigation.
- 8.3 Where a Strategy Meeting is needed to consider the allegation in a multi-agency setting, the LADO, the Police and the child's social worker (or Children's Social Care) will agree what information should be disclosed to the alleged perpetrator and what information can be shared with parents or carers. Otherwise, the DSL should inform the person concerned about the allegation as soon as possible after consulting with the LADO and inform them about the likely course of action.

8.4 The Initial Strategy Meeting should:

- Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications;
 - Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
 - Consider the current allegation in the context of any previous allegations or concerns;
 - Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children;
 - Consider whether a complex abuse investigation is applicable;
 - Plan enquiries if needed, allocate tasks and set timescales;
 - Decide what information can be shared, with whom and when.
- 8.5 The Strategy Meeting/Discussion should also ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed and consider what support should be provided to all children who may be affected.

- 8.6 Consideration should also be given to what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation.
- 8.7 A 'communication strategy' should be devised in respect of informing the child's parents of the allegation and to ensure they are kept up to-date (unless this is inappropriate). Also, depending upon the nature of the allegation, whether this impacts upon any contact arrangements that are in place (NB that where a child is subject to Section 20 Children Act 1989 the local authority do not have Parental Responsibility and therefore informing the parents is a requirement).
- 8.8 The Strategy Meeting should also make recommendations where appropriate regarding suspension, or alternatives to suspension; identify a lead contact manager within each agency; agree protocols for reviewing investigations and monitoring progress by the LADO having regard to target timescales.
- 8.9 **Final Strategy Meeting**
- A final strategy meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate (see Section 10 below) and, where relevant, agree an action plan for future practice based on lessons learnt.
- 8.10 The following definitions will be used by the LADO when determining the outcome of allegation investigations and should be used by ourselves when advising on the outcome of internal investigations:

Substantiated allegations

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

Malicious or Vexatious

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

False allegations

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.

Unsubstantiated allegations

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded

The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation 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.

9. Suspension – when it should be considered

- 9.1 Suspension should be considered only in cases where there is cause to suspect a child or other children at the place of employment is/are at risk of harm/further harm or the case is so serious that it might be grounds for dismissal. The DSL must consider carefully whether the circumstances warrant suspension from contact with children until the allegation is resolved and may wish to seek advice from the Head of HR and/or LADO.

9.2 The DSL should also consider whether the result that would be achieved by immediate suspension could be obtained by agreeing alternative working arrangements. The following alternatives should be considered by the DSL before suspending a member of staff:

- Redeployment to another setting so that the individual does not have direct contact with the child or children concerned;
- Redeploying to alternative work so the individual does not have unsupervised access to children;

9.3 These alternatives allow time for an informed decision regarding the suspension. This will, however, depend upon the nature of the allegation. The DSL should consider the potential permanent professional reputational damage to the employee that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

9.4 Some serious allegations such as sexual impropriety/child abuse must always result in suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

10. Substantiated outcomes – Referral to the Disclosure and Barring Service (DBS)

10.1 There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child; or if there is an investigation and the outcome is substantiated either by criminal investigation or by the balance of probabilities.

10.2 If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the DSL (with guidance from Human Resources) will decide whether a referral is necessary.