



Allegations Against Staff Policy

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Regulations and Standards:

The Children's Homes (England) Regulations 2015:

- Regulation 12 - The protection of children standard.
- Regulation 40 - Notification of a serious event.

Further Guidance:

Please refer to the Local Safeguarding Children's Partnership within the County / Local Authority where the home is located.

Please also refer to the following internal policies and procedures:

'Safeguarding – Child Protection Policy'

'Child Protection Referrals Policy'

'Confidential Reporting Policy'

'Disciplinary Policy'

Disclosure and Barring Service: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

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1. Introduction

This HND Children's Care Ltd policy outlines the key responsibilities / procedures that must be followed immediately after an allegation is made against any member of staff.

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

Allegations may be current or historical, or both. In all cases the matter should be referred to the Local Authority Designated Officer (LADO) / Designated Officer (DO) who will investigate the allegation. This may involve discussing the case with the Police.

Cases of historical abuse have generally become known after adults have reported the abuse that they had experienced as children, when living away from home. Often the abuse has taken place in settings provided by Local Authorities, the voluntary or private sectors. When such allegations are made, they should be responded to in the same way as current concerns in terms of prompt referral LADO / DO, children's social care and the police.

Any investigation may well have three related, but independent strands:

- Child protection enquiries relating to the safety and welfare of any children who are or may have been involved.
- A Police investigation into a possible offence.
- Disciplinary procedures, where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff.

A similar process will be needed for responding to concerns about volunteers.

It is essential that the common facts of the alleged abuse are independently investigated. Even if, after investigation, a prosecution is not possible, this does not mean that action in relation to safeguarding children, or employee discipline, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

The risk of harm to children posed by the person under investigation should be effectively evaluated and managed - in respect of the child / children involved in the allegations and any other children in the home/s.

Staff, residential workers, volunteers, and other individuals about whom there are concerns should be treated fairly and honestly and should be provided with support throughout the investigation process, as should others who are also involved. They should be helped to understand the concerns expressed and the process being operated and be clearly informed

of the outcome of any investigation and implications for disciplinary or related processes.

The investigation should be completed as quickly as possible, consistent with its effective conduct. The police and other relevant agencies should always agree jointly when to inform the suspect of allegations which are the subject of criminal proceedings. Parents of affected children should be given information about the concerns (if necessary and required), advised on the processes to be followed, and the outcomes reached. The provision of information and advice must take place in a manner that does not impede the proper exercise of enquiry, disciplinary and investigative processes.

Those undertaking investigations should be alerted to any sign or pattern which suggests that the abuse is more widespread, or organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved for example.

2 - Process – Child / Young person makes an allegation towards a staff member. (Manager to follow):

Child makes an allegation towards a member of staff.

Process – Child makes an allegation towards a staff member (Manager to follow): Child makes an allegation towards a member of staff.

1. Staff on duty must record everything as the child said it. Explain to the child that it will need to be passed on to the manager and that it cannot be kept as a secret.
2. Is the child safe / secure / require medical attention? Address this before anything else.
3. If bruises / marks are evident on the child, please ensure a body map is completed.
4. Staff to immediately make the homes manager aware of the allegation. The Registered manager must make arrangements for the child and staff member to be separated such as suspension / change of workplace etc. Please note, if the allegation is against the home's manager, staff to contact the Responsible Individual. Manager to ensure the staff member reporting the allegation keeps all information private and confidential. Manager to contact LADO / DO immediately. Do not confront the person subject to the allegation. Manager to inform, if necessary and appropriate – EDT (if out of hours) social worker, parent / carer, police, RI, OFSTED (Notification must be submitted). Take advice from LADO / DO.
5. All forms of communication and actions completed must be documented and stored securely.
6. Decisions must be made as to whether or not the child needs to change placement temporally or the staff working location changed temporally or if suspension is necessary.



7. LADO / DO must respond / make contact within 24 hours. If you do not hear from them, you must try to make contact again. A LADO / DO notification must also be submitted to the LADO / DO immediately.

8. The Home's Registered Manager, Responsible Individual or Designated Safeguard Lead should consult with LADO / DO and consider recommendations from the Strategy Discussion and come to a decision about what actions to take in relation to any staff implicated.

This will include the following:

- Whether to suspend any member of staff pending investigation.
- What support to provide for any member of staff.
- Information about the enquiries / investigations that should be given to other staff / managers.
- The arrangements for notifying the Regulatory Authority.
- Who will act as lead / co-ordinator of the ongoing case during until the enquiries / investigations are complete?

Any decision to suspend any member of staff should account for:

- A child may be at risk.
- The allegations are so serious that dismissal for gross misconduct is possible.
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Ensure that a LADO / DO outcome form is also sent to LADO / DO once the investigation is concluded and if necessary, a DBS referral.

3. Immediate Actions if Concerns / Allegations are Made / Raised:

The homes manager, in conjunction with HND Children's Care Ltd designated safeguard lead is responsible for coordinating 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 additional guidance on what to say/how to behave, see Appendix 1: Guidance on What to Say.

For example, if a colleague (e.g., another member of staff or a manager), 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:

- The Registered Manager or a Manager who is not implicated.
- The child's Social Worker.
- The Regulatory Authority (Ofsted)
- The local Children's Services / Duty Team.
- The Police.



Having reported concerns to one of the following, the procedures set out in Section 3 Initiating Child Protection Enquiries will be instigated, 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 an alternative of the people/agencies listed.

4. Initiating Child Protection Enquiries:

Once the concern or allegation has been made / raised to the appropriate person (as above) the following actions must be taken.

The manager must ensure that the designated safeguard lead officer like the Registered Manager or Responsible Individual] notifies and co-operates with the Local Authority Designated Officer (LADO / DO).

The LADO / DO will give advice on the actions/measures that must be taken including, where required, notifications to the following:

- The Child(ren)'s Social Worker and come to a decision about notifying parents and any actions that need to be taken to protect the child(ren).
- The Regulatory Authority if a Child Protection Enquiry is initiated.
- In consultation with all the agencies (e.g., the Children's Services/DOA, relevant Social Workers, and the Regulatory Authority), decisions will need to be taken about the ongoing safety/placement arrangements of the Child(ren) and the alleged perpetrators e.g., it may be necessary to move/suspend or place staff on 'Garden Leave' or move/transfer children to other homes/placements.

It will also be necessary to co-operate with the procedures initiated by the LADO / DO, Children's Services e.g., attendance at or reporting to:

- A Strategy Discussion.
- A Child Protection Enquiry.
- An Initial Child Protection Conference.

Appendix 1: Guidance on What to Say:

The following are principles of good practice which must be adhered to when receiving / reporting concern.

However, this guidance is not exhaustive, all staff should have received training on receiving and reporting child protection concerns - if in doubt, staff must consult the designated safeguard lead immediately.

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 appropriately 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, the Social Worker, Police or Regulatory Authority.

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 on to the minimum number of people who need to know to ensure appropriate action is taken to resolve the issue and conduct a fair and just investigation:

DO:

- Listen to the child attentively.
- Maintain eye contact.
- Allow the child to talk, but do not 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 have to be told so that the abuse can stop.
- Try to use age-appropriate language that will enable the child to understand.

DON'T

- Promise to keep secrets.
- Make any promises you cannot keep.
- Interrogate the child or ask leading questions.
- Cast doubt on what they have said.
- Make the child feel responsible for what has happened.
- Show anger.
- Panic and act hastily (it is unlikely to be a life-threatening situation)
- Gossip about what you have been told.
- Talk to the alleged abuser.

Staff must make a written record as soon as possible of what they have been told, 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 (unless the manager is implicated, and the concerns should be reported to the Responsible Individual).

The record should be placed on the child's file except where a colleague is implicated or where there is any risk to the child as a result, in which case notes/records should be given to the manager dealing with the matter.

Appendix 2: HR Procedures relating to Allegations Against Staff:

During the Child Protection Enquiry / Police Investigation:

The Home's manager or designated safeguard lead should consult with the Local Authority Designated Officer (LADO / DO) and consider recommendations from the strategy discussion and come to a decision about what actions to take in relation to any staff implicated.



This will include the following:

- Whether to suspend any member of staff or place them on 'Garden Leave'
- What support to provide for any member of staff.
- Information about the enquiries / investigations that should be given to other staff / managers.
- The arrangements for notifying the Regulatory Authority.
- Who will act as lead / co-ordinator of the ongoing case during until the enquiries / investigations are complete.

Any decision to suspend any member of staff or place them on 'Garden Leave' should account for:

- A child may be at risk.
- The allegations are so serious that dismissal for gross misconduct is possible.
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.
- The LADO / DO should be consulted.
- Suspension should be viewed as a precautionary measure and does not prejudice the outcome of any formal disciplinary hearing; nor should it be regarded as a punishment for an offence. Alternatives should always be considered e.g., leave of absence, transfer duties, additional supervision.

Lead/Co-ordinator and Support Manager:

During the child protection enquiry and any police investigation or criminal action, a senior manager should 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.

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

It is the responsibility of the home's manager and / or responsible individual to keep the regulatory authority updated throughout, and to provide a final outcome via a schedule 40 notification.

Supporting Staff and Children/Young People:

The lead / co-ordinator will either act as support person for any staff that are implicated / suspended or will nominate another person to act in this role.

Once the child protection enquiries and any police investigation have been concluded, the child protection manager will consult the LADO / DO and 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.
- Whether to update / notify the Regulatory Authority of the outcome of the enquiries / Investigations.

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 LADO / DO. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children – these decisions are made by the Disclosure and Barring Service.

For additional guidance regarding referrals to the Disclosure and barring Service, please see the link below:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

6. No Further Action:

There may be occasions where allegations are made, but after investigation, are found to be false or fabricated.

In these situations, LADO / DO will more than likely provide a 'no further action' outcome to the investigation, the police, if involved in the investigation, may also provide a 'no further action' outcome.

Situations where an employee has been accused of wrongdoing but later found to be innocent can be difficult for employees to handle, and the experience could well have been quite traumatic. In these instances, although it may be appropriate for employees to return to work immediately, the following must always be considered:

- Does the employee need further support, debriefing, or reflections about the allegation?
- Does medication work need to be undertaken between the child / ren and employee?
- Will the employee need to 'catch up' on events whilst they have been away from work?
- Despite any 'no further action'; have any learning outcomes been identified? And how can these be implemented with both the employee and all staff?

As a company, HND Children's Care Ltd will endeavour to fully support all employees in any times of difficulty.

End.