

Managing Allegations Against Staff, Contractors and Volunteers Policy

ABA Pathways is committed to providing the highest quality of care for both its' clients and staff; it is very important that any allegations or concerns raised in relation to any staff member, including contractors and volunteers, are dealt with thoroughly and efficiently. It is vital that the highest level of protection for the child is given whilst also giving support to the individual who has been subject to the allegation or concern. If an allegation or concern is made that an employee, contractor or volunteer may have behaved in a way that has hurt/harmed, or potentially harmed, a child or young person then ABA Pathways will act promptly and sensitively and will investigate accordingly.

This policy is written in accordance with the Children and Social Work Act (2017) and Working Together to Safeguard Children (DfE, 2018) and follows the DfE definition of safeguarding and promoting the welfare of children.

The procedures outlined in this policy will be followed alongside ABA Pathways complaints procedure and child protection policy. All staff, contractors and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. It is our policy that all allegations will be reported straight away to one of the four directors:

Danielle Dobinson
Nicola Agambar
Anna Colgate
Rianna Ritchie

ABA Pathways takes allegations and concerns of any kind very seriously and this policy outlines steps which should be taken when an allegation or concern has been raised in relation to the welfare and safeguarding of a child in our care. This policy includes the procedures for investigations and management of allegations and concerns.

Procedures

1. Application

This policy will be adopted in respect of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. This policy will be used in respect of all cases in which it is alleged that a member of staff (including a volunteer or contractor) has:

- Behaved in a way that has harmed a child, or may have harmed a child (see Safeguarding Children Policy for definition of harm)
- Possibly committed a criminal offence against or related to a child
- Behaved in a way that indicates s/he is unsuitable to work with children. This will include cases of verbal abuse.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- Consideration by the Directors of ABA Pathways of disciplinary action in respect of the individual.

2. Initial Action on Identifying or Receiving an Allegation or Concern / Timescale

An allegation against a member of staff, contractor or volunteer may come from a number of sources e.g. a report from a child, a concern raised by another adult in the company, or a complaint by a parent or child's legal guardian. The person to whom an allegation or concern is first reported should treat the matter seriously whilst remaining impartial whilst further investigation is carried out.

If an allegation or concern is made by a child-staff member then initially follow the following steps:

- Ensure immediate safety of the child/ren
- Do not ask leading questions, e.g instead of asking 'did he hurt you' you could ask 'what happened?'.
- The person whom the allegation or concern has been raised to must not promise confidentiality but should give assurance that the information will only be shared on a 'need to know' basis.
- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident(s), persons present and what was said.
- Sign and date the written record.
- Inform the designated safeguarding lead immediately (ABA Pathways' directors all act as designated safeguarding leads for the company: Danielle Dobinson, Rianna Ritchie, Anna Colgate, Nicola Agambar).
- Staff will not discuss anything spoken about while in the presence of the children or to each other.
- Depending on severity of the allegations or concerns the staff member in question may be put on non-contact duties whilst an investigation is pending or ongoing.

If an allegation or concern is made by an adult- staff member then initially follow the following steps:

- Ensure immediate safety of the child/ren
- Record in writing what you need to make the allegation or concern
- Approach a safeguarding officer and discuss with them the next steps.
- Confidentiality must be remained, and staff must not discuss the concern or allegation with any other staff member or parent.
- Depending on severity of the allegations or concerns the staff member in question may be put on non-contact duties whilst an investigation is pending or ongoing.
- LADO will be contacted for further advice.

3. Initial Considerations

A DSL at ABA Pathways must inform The Local Authority Designated Officer (LADO) within 24 hours of an allegation or concern of abuse being made against a staff member, even where the police are contacted directly.

The DSL will inform the accused person about the allegation as soon as possible. However, where a strategy discussion is needed, or where police or children's social care need to be involved, the DSL will not do that until those agencies have been consulted and have agreed what information can be disclosed to the person.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened with the LADO and other appropriate agencies, such as the police and social services. In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the DSL will consult with the LADO, police and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (NB. The police will be consulted about any case in which a criminal offence may have been committed.)

The LADO and the DSL may conclude that the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care is not necessary. In these circumstances the options open to ABA Pathways depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.

4. Supporting Those Involved

Parents or legal guardians of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. This will be done in consultation with the Local Authority Designated Officer (LADO).

The parents or legal guardians will also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process. While the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, the parents or legal guardians of the child will be told the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, will be consulted by the directors of ABA Pathways to consider what support the child or children involved may need.

The member of staff must:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved.
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- If suspended, the staff member is to be kept up to date about events in the workplace if considered relevant to their role, by one of the directors of ABA Pathways.

5. Responsibility of staff to report concerns

All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult the DSL (Designated Safeguarding Lead). Any member of staff who believes that any allegations that have been reported are not being investigated properly has the responsibility to report it to another DSL (one of four directors of ABA Pathways) or Local Authority Designated Officer.

6. Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. Apart from keeping the child, parents and accused person up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

7. Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort will be made to manage cases to avoid any unnecessary delay. If the case does not lead to referral for Crown Prosecution enquiries after consultation with the LADO, ABA Pathways should take appropriate action within 3 working days. If a disciplinary hearing is required, this should be convened within 15 working days.

8. Suspension

Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically, or without thorough investigation. The power to suspend is vested in the Directors of ABA Pathways. However, they will speak to the LADO who may canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the company's consideration of suspension. If suspension is deemed

appropriate, the reasons and justification will be recorded and the individual notified of the reasons.

9. Disciplinary Process

Throughout this process ABA Pathways must bear in mind and abide by its own staff disciplinary procedures. The LADO and the DSL must discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a Strategy Discussion that a Police investigation or Children's Services enquiry is not necessary; or
- ABA Pathways or LADO is informed by the Police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the Police and/or Children's Services
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings. In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply.

In these circumstances, the LADO and ABA Pathways should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to refer to the Disclosure and Barring Service. If further investigation is needed to decide upon disciplinary action, ABA Pathways should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff. The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation. If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with Children's Services and Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

10. Resignations and "Compromise Agreements"

The fact that a person tenders his or her resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures. Every effort will be made to reach a conclusion in all cases of allegations bearing in mind the safety or welfare of children including any in which the person concerned refuses to cooperate with the process. Wherever possible the person will be given a full opportunity to

answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgement about whether it can be regarded as substantiated will continue even if the person does not cooperate. Similarly, so called "compromise agreements" by which a person agrees to resign, ABA Pathways agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of alleged child abuse. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) for consideration of placing the person's name on the Children's Barred List where circumstances require that.

11. Record Keeping

A clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. The record will be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

12. Action on Conclusion of a Case

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, or the contractor's services as a result of the allegation, the directors will consider with the Designated Officer whether a referral must be made to the Disclosure and Barring service (DBS) as appropriate. If it is decided that the employee may return to work after a suspension, the directors will work together on how to best facilitate this and provisions will be put in place to ensure a smooth transition. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still receiving services, the directors will consider what needs to be done to manage the contact between employee and child.

13. Action in Respect of False Allegations

If an allegation is determined to be false, the directors will refer the matter to children's social services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the DSL will consider whether any disciplinary action is appropriate against the staff/child who made it. The police should be asked to consider whether any action might be appropriate against the person responsible if s/he was not a child.

14. Low- Level Concerns

The procedure for dealing with low-level concerns raised in relation to any members of staff, including contractors or volunteers depend on the situation and circumstances surrounding the concern. This policy must be followed when dealing with low-level concerns but may be adapted to each case.

This part of the policy will be used alongside:

- Complaint's policy
- Child protection and safeguarding policy
- Disciplinary policy and procedure
- Grievance policy
- Staff code of conduct

This policy is designed to:

- promote and maintain a culture of openness, trust, and transparency where staff are clear about the behaviours expected of themselves and their colleagues
- ensure staff feel comfortable to raise low-level concerns
- provide for efficient and proportionate handling of those concerns when raised.

Recognising low-level concerns This policy will be used to manage 'low-level' concerns, defined as any concern – no matter how small that an adult working in or on behalf of ABA Pathways may have acted in a way that is inconsistent with the company code of conduct, including inappropriate conduct outside of work, does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Designated Officer.

Examples of such behaviour could include but are not limited to:

- being over friendly with children
- having favourite
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating, or offensive language.

All staff are encouraged to report low-level safeguarding concerns regarding colleagues so that the identified behaviours can be investigated and managed appropriately. The welfare of the child is paramount and so staff must report their concerns immediately. All low-level concerns in relation to staff, contractors and volunteers should be reported immediately to one of the four directors. The procedure for reporting low-level concerns is deliberately the same as that for reporting allegations of abuse as set out in part one of this policy.

Therefore, staff do not need to concern themselves with whether their concern meets the threshold set out in part one of this policy or is a low-level concern. The DSL will make this determination once the staff member has reported the issue.

The director / DSL will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy. An issue reported as a low-level concern would be dealt under part one of this policy where it meets the threshold set out in part one or there is a pattern of low-level concerns expressed about the individual or staff practices generally. If necessary, the director will discuss the concern with the Designated Officer to determine whether it should be dealt with under part one of this policy. The director will discuss the concern with the individual who raised it and will investigate it as appropriate. Most low-level concerns are likely to be minor and will be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the company's Disciplinary Policy and Procedures or Grievance Policy. If the concern has been raised via a third party, the director will collect as much evidence as possible by speaking directly to the person who raised the concern (unless it has been raised anonymously), to the individual involved and any witnesses.

All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation. Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If such patterns are identified, ABA Pathways will decide on an appropriate course of action and will refer the matter to the Designated Officer where the behaviour moves from a concern to meeting the harms threshold set out in the first part of this policy. The record of the low-level concern will be kept at least until the person leaves our company.

Low-level safeguarding concerns will not be included in references except where they have met the threshold for referral to the Designated Officer and found to be substantiated, in which case they should be referred to in a reference.

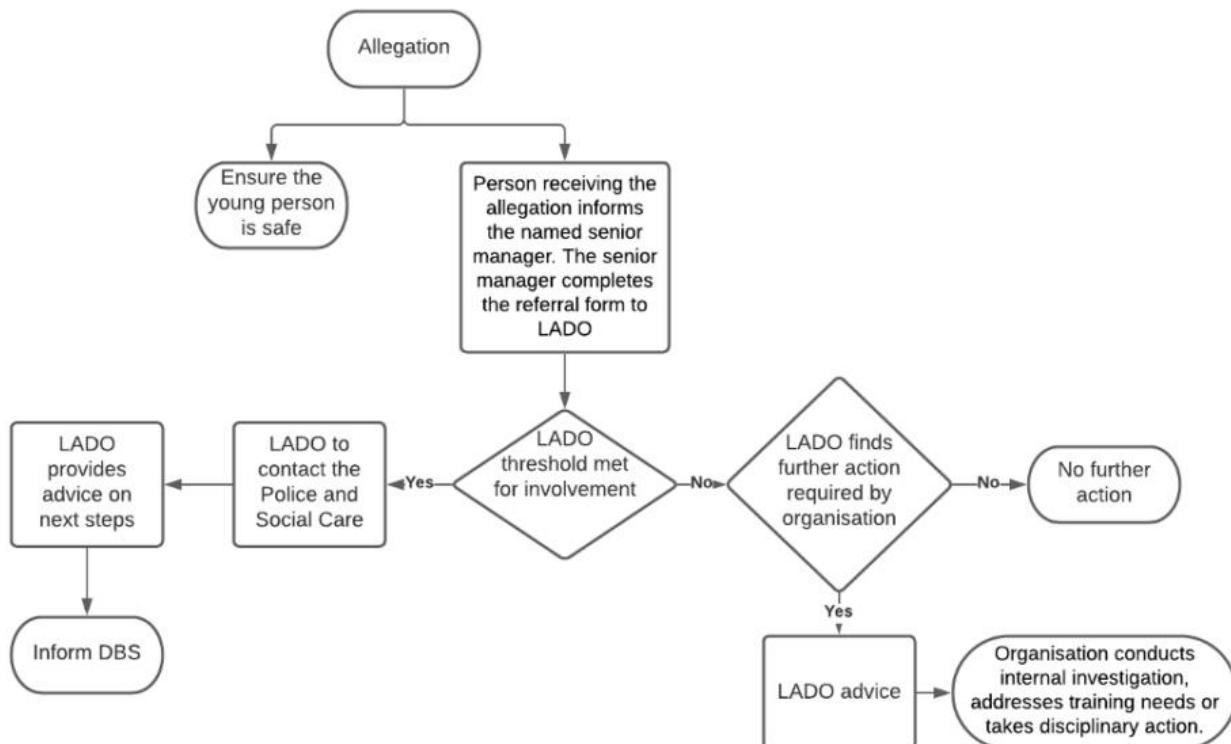
15. How can we protect ourselves?

Unfortunately, because child abuse can take place in day care settings, staff may be subject to inappropriate accusation, so we have introduced these separate guidelines to remind staff of the measures that can be taken to reduce the risk of any inappropriate allegations being made against them or another member of staff. It also contains the procedure, which will be undertaken if an allegation is made against a member of staff.

- If a child sustains an injury whilst in our care, we will record it on an accident form as soon as possible. When the child is collected, we will inform whoever picks the child up about the injury and ensure that they also sign the accident book.
- If a child arrives with an injury sustained elsewhere, we will ask for an explanation and again record this in the accident book and ask whoever has brought in the child to sign the record.
- We will ensure that all staff undertake regular child protection training

- We will ensure that all parents understand our role and responsibility in child protection.
- We will try to avoid situations where an adult is left alone with a child. If this does occur, we will make sure that the door is left open and there are other people around.
- We will take up references, including whenever possible one from the candidate's last employer, and will always question any gaps in employment history.
- All staff, volunteers and students must have a DBS check.
- Volunteers, students and visitors will not be left alone with children or unsupervised.
- We will encourage an open-door ethos, to enable staff to talk to the directors if they have concerns about the conduct of any of their colleagues.

Flow Chart - Handling allegations of abuse made against adults who work or volunteer with children and young people:



Quality Assurance

ABA Pathways will ensure that systems are in place to monitor the implementation of and compliance with this policy and accompanying procedures.

The directors will ensure action is taken to swiftly remedy any identified weaknesses within its allegations procedures.

Policy Dates

This policy was written and takes effect January 2023.

Danielle Dobinson
Director | UKBA(cert) | BCBA

