

ALLEGATIONS AGAINST STAFF POLICY

DATE: September 2025

1. Introduction

1.1 This policy pertains to situations when the suitability of a member of staff has been brought into question after a complaint has been made against them for any of the following reasons:

- The staff member behaved in a way that has or may have caused harm to the child.
- The staff member has been accused of having committed an offence against or in relation to a child.
- The staff member acted in a way that is deemed inappropriate in relation to a child, thereby making them unsuitable to continue in their role.

1.2 This policy should be read alongside:

- Safeguarding Policy
- Disciplinary Policy

2. Allegations Against Staff

2.1 All allegations need to be made directly to the Early Years Manager or the Clinical Director as soon as possible.

2.2 If the complaint is concerning either the Early Years Manager or the Clinical Director, then the staff member needs to report their concerns directly to LADO and then also the London Clinical Director, Donna Benton.

2.3 Any allegations relating to a staff member who no longer works at Autism Partnership, or historical abuse claims, should be made to the police.

2.3 Any allegations made will need to be considered as to whether they are also referred to:

- The police in cases of a possible criminal offence.
- Social services when it is a possibility that the child may be in need of protection or other services.
- Disclosure and Barring Service (DBS) in cases where the staff member may need to be barred.
- Secretary of State in situations of serious misconduct where a probation order may be needed.

3. Supporting Those Involved

3.1 Parents or carers of the child or children involved in the incident should be informed as soon as possible and kept up to date with the progress of the investigation.

3.2 When a decision has been reached, the parents or carers need to be informed confidentially of the outcomes of the complaint, but not necessarily the deliberations or

details taken to reach the decision.

3.3 If the complaint surrounds a child having suffered significant harm, or a criminal prosecution is a possibility, then the police and/or social services will decide what support the child involved may need.

3.4 Autism Partnership will also keep the member of staff that is the subject of the allegation informed of the progress of the case and ensure, where necessary, that the staff member has contacted their union or professional association to access any support they may need.

3.5 If the member of staff has been suspended because of the complaint, Autism Partnership will make it clear that this is without prejudice and they will be kept up to date on any necessary developments.

4. Confidentiality

4.1 Autism Partnership will strive to ensure confidentiality is maintained throughout the allegations process and minimise the possibility of unwanted outside publicity.

4.2 Restrictions under the Education Act 2002 prevent the publication of any material that may lead to the identification of the individual who has been accused by, or on behalf of, a pupil from the same therapy centre (where the identification would identify the staff member as the subject of the allegation).

4.3 The reporting restrictions apply until the point at which the accused person is charged with an offence, or until the Secretary of State publishes information about the investigation or decision in a disciplinary case arising from the allegation.

4.4 The reporting restrictions will cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity.

5. Resignations or “Settlement Agreements”

5.1 A resignation being tendered will not prevent or stop an investigation from being carried out/completed.

5.2 It is vital that all reasonable attempts are made to conclude any investigation concerning a child’s safety or welfare, even if the person concerned refuses to participate in the process.

5.3 “Settlement Agreements” - by which a person agrees to resign, the centre agrees not to pursue disciplinary action, and both parties agree a format of words to be used in any future reference - must not be used in these cases. If such an agreement is made, then it will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require that.

6. Record Keeping

6.1 For any allegation made we will ensure a detailed summary is kept on record in the staff member’s file, and this should include details of how it was investigated and

resolved, and any actions taken to remedy it.

6.2 A copy must be kept in the confidential personnel file as well as be available should the person involved want a copy for their own records.

6.3 The record will be retained AT LEAST until the person reaches normal retirement age or 10 years from the date of the allegation if that is longer.

6.4 If an allegation is found to have been made maliciously then it is important to make sure any mention of it has been removed from the staff's personnel file.

7. Time Scales

7.1 Autism Partnership will endeavour to resolve all allegations as swiftly as possible whilst ensuring a fair and thorough investigation. Appropriate time scales are given in Section 9 below.

8. Oversight and Monitoring

8.1. Local Authorities with responsibilities for early years and services catering for children should have a designated officer (LADO) who will be responsible for overseeing the procedure for investigating allegations, dealing with inter-agency issues, and for liaising with the Local Safeguarding Children's Board (LSCB).

8.2. Furthermore, the LADO should also be involved in the oversight and management of individual cases within their area. This person will support and advise Autism Partnership during the process to ensure that a conclusion is reached swiftly and fairly. They will also liaise with Police and any other appropriate agency during the process.

8.3. Ofsted should be informed within 14 days of the initial allegation and kept informed of the progress throughout.

9. Procedures for Dealing with Allegations Against Staff

9.1 Initial considerations:

9.1.1 The LADO, Early Years Manager and Clinical Director will discuss the allegation and, where possible, collect as much detail on the circumstances of the allegation.

9.1.2 During the discussion, consideration should be given to whether there is information indicating the allegation is unsubstantiated, false or malicious.

9.1.3 If the allegation is not unfounded and there is a suspicion that a child is subject to or likely to be subjected to significant harm, the LADO will liaise with Social Services to request a strategy meeting in line with "Working Together" to be scheduled as soon as possible. In these circumstances, the meeting should include the LADO, the Early Years Manager and Clinical Director, HR support and Social Services.

9.1.4 If there is not a concern of significant harm, but a criminal offence may have taken place, the LADO must inform the Police immediately so a similar meeting can be scheduled to decide whether a criminal investigation is

necessary. Similarly, the meeting should include the LADO, the Early Years Manager and Clinical Director, the Police and any other agencies involved with the child.

9.1.5 The risk of harm from the accused person to children within their care needs to be thoroughly evaluated and managed. In some cases, the member of staff will need to be suspended whilst the case is investigated.

9.1.6 Suspension will be considered in any case where there is a suspected risk of significant harm; to protect the adult involved; where there is a police investigation; or is so serious that it may be grounds for dismissal.

9.1.7 Suspension will not be automatic but decided on a case-by-case basis and thorough consideration by the Early Years Manager and Clinical Director.

9.1.8 The choice to suspend a member of staff will always be made by the Early Years Manager and Clinical Director, however, the LADO will convey the opinions of the police, LA, and Social Services to help inform Autism Partnership's decision.

9.2 Actions following initial consideration:

9.2.1 Where the initial consideration found the allegation did not pertain to a possible criminal offence, it will be up to the employer to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Early Years Manager and Clinical Director should institute appropriate action within 3 working days.

9.2.2 If a disciplinary hearing is required the Early Years Manager and Clinical Director should refer to Autism Partnership's Disciplinary Policy.

9.2.3 Where further investigation is required to inform consideration of disciplinary action, the Early Years Manager and Clinical Director should follow Autism Partnership's Disciplinary Policy for instigating investigations and may discuss who will undertake the investigation with the LADO. In any case, the investigating officer should aim to provide the report of the employer as soon as possible.

9.2.4 On receipt of the report of the disciplinary investigation, the Early Years Manager, Clinical Director and the HR advisor will consult with the LADO and decide whether a disciplinary hearing is needed within 2 working days. If a hearing is needed, it should be in accordance with Autism Partnership's Disciplinary Policy.

9.2.5 In any case in which children's social services has undertaken inquiries to determine whether the child or children are in need of protection, the Early Years Manager, Clinical Director and the HR advisor should take into account any relevant information obtained in the course of the inquiries when deciding on a course of action.

9.2.6 The LADO should continue to liaise with Autism Partnership to monitor

progress of the case and provide advice/support when required/requested.

9.3 Case subject to police investigation:

9.3.1 If a criminal investigation is required, the police will aim to complete their inquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.

9.3.2 A target date for reviewing progress of the case should be set at the outset. Wherever possible, the review should take place no more than 4 weeks after the initial action meeting and, if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point.

9.3.3 If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by Court, the police and children's social services should pass on all the relevant information to the employer within 3 working days of the decision. In such circumstances, the employer and the LADO should proceed as in paragraph 9.2 above.

9.3.4 If the person is convicted of an offence, the police should inform the employer immediately so that appropriate action can be taken.

10. Action on Conclusion of a Case

- 10.1. If on conclusion of the case Autism Partnership terminates employment of the staff member in question, or the staff member resigns ceases, Autism Partnership should consult with the LADO about whether a referral to the DBS is required.
- 10.2. 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.
- 10.3. In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the Early Years Manager and Clinical Director will meet with the member of staff concerned and agree how to facilitate a phased return and/or the appropriate provision of a mentor to provide assistance.
- 10.4. Due consideration to the person's future contact with the child or children should be given, and to consider procedures of practice to help prevent similar events in the future.

11. Action in Respect of a False Allegation

11.1 If an allegation is determined to be false, the LADO should refer the matter to social services to determine whether the child concerned is in need of services, or may have been abused by someone else.

11.2 In the rare event that an allegation is shown to have been deliberately invented or malicious, the Early Years Manager and Clinical Director will consider disciplinary action against the person who made it.

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