

Allegations against Staff Policy

Introduction

chRysos HR Solutions Ltd. is committed to safeguarding its learners, apprentices and staff. It is extremely important that any allegations of abuse against any member of staff (employed or associate status) is dealt with thoroughly and efficiently, maintaining the highest level of protection for the learner/apprentice, whilst also giving support to the person who is the subject of the allegation.

This policy is designed to ensure that all team members, learners/apprentices, parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help learners/apprentices to feel comfortable that they can voice concerns about any member of staff.

Allegations must be reported to the Managing Director and the Designated Safeguarding and Prevent Lead or a Deputy immediately. All allegations will be taken seriously and investigated immediately.

Purpose

This policy will be used in any case where it is suspected or alleged that a member of staff has behaved in such a way that may have harmed a learner/apprentice or may have intended to harm a learner/apprentice.

Our Safeguarding and Prevent policy provides definitions of abuse and may be helpful in determining the appropriate application of this policy.

This policy should be used alongside the following policies:

- Safeguarding and Prevent Policy
- Whistle-Blowing Policy
- Use of IT Policy
- Equality, Diversity, Bullying and Harassment
- Staff Code of Conduct and Ethics
- Data Protection Policy
- Health, Safety and Welfare Policy

Timescale

It is imperative that allegations against staff are dealt with as efficiently as possible to minimise the risk to the learner/apprentice, minimise the impact on the learner/apprentice's academic progress, and ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, carers, and learners/apprentices should be aware of the procedures set out in this policy.

Procedure

Reporting an allegation

All concerns of poor practice or possible abuse by staff should be reported immediately to the Managing Director and Designated Safeguarding and Prevent Lead or a Deputy who will then contact the local authority designated officer (LADO).

Complaints about the Managing Director should be reported to the Designated Safeguarding and Prevent Lead or a Deputy, who may consult with the Board.

Staff who are concerned about the conduct of a colleague towards a learner/apprentice are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the learner/apprentice is paramount and must report their concerns immediately.

The LADO will be contacted by the Designated Safeguarding and Prevent Lead or a Deputy and a discussion will take place to decide whether further actions are needed and if the Police should be notified.

Investigation

An investigation into the allegations will be undertaken by cHRysos HR and where appropriate the LADO and Police. cHRysos HR will co-operate fully with external agencies in their investigations.

Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

Supporting those involved

The person who makes the allegation and their parents/carers

Parents/carers will be notified if the individual making or involved in the allegation against a staff member is a young person/vulnerable adult. However, if the Police are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents/carers. Parents/carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. Where this is a disciplinary outcome, the deliberations and information used in making a decision are confidential, but parents/carers will be told the outcome.

Reporting

The Whistleblowing Policy available on the cHRysos HR SharePoint site enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

cHRysos HR has a duty of care to staff and will do everything possible to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the

investigation will be informed as soon as the allegation has been made, but only after the Managing Director has been informed and the facts of the allegation understood.

The employee will then be advised of what the next course of action will be. However, if the Police are to be involved, they will be contacted before the employee is and they will advise as to what information may be disclosed to the person under investigation.

The Managing Director or the Designated Safeguarding and Prevent Lead/Deputy (where nominated) will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments.

The staff member may need additional support and consideration will be given to the most appropriate means of providing this. If it is a criminal investigation and the police are involved, they may provide this additional support. cHRysos HR will make every effort to guard the privacy of all parties during and after an investigation into an allegation.

It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation.

It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

Suspensions

cHRysos HR will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working but is removed from the learner/apprentice making the allegation.

A suspension may be decided upon if it is deemed that the learner/apprentice or others may be at risk of harm, or if the nature of the case warrants a criminal investigation. Where there is Police involvement, the Managing Director will take advice from them about whether a suspension is necessary. Where there is a chance of suspension, the staff member will receive confirmation within one working day and will be informed of the reason for the suspension.

Resignations

If a staff member resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's co-operation. They will be given full opportunity to answer the allegation. Settlement agreements will not be used in situations which are relevant to these procedures.

Record keeping

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information.

The record will be kept on file for the remainder of the individual's employment and for ten years after they have left the organisation.

Allegations that are proven to be malicious will not be kept on employment records or used in employee references. The records will be kept by cHRyos HR. Details of any allegation made by a learner/apprentice will be kept confidential.

Action on conclusion of the case

If it is decided that the staff member may return to work after a suspension, then provisions will be put in place by cHRyos HR to ensure that the transition is as smooth as possible. 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 learner/apprentice who made the allegation is still studying with cHRyos HR, consideration will be given to what needs to be done to manage the contact between the employee and learner/apprentice.

Action in the case of false allegations

Where an allegation is proven to be false, the Designated Safeguarding and Prevent Lead may refer to the LADO to determine whether the learner/apprentice needs support or to help understand if they are being abused elsewhere.

If an allegation is found to be intentionally facetious and malicious, the Managing Director will decide what the proper sanction will be for the learner/apprentice who made the false allegation.

cHRyos HR may require a learner to leave their programme of study and will refer the case to the Police if the Managing Director thinks a criminal offence has been committed.

In the case of apprentices, a false allegation will be reported to the employer and the outcome may be removal from the apprenticeship programme.

If the claim has been made by a person who is not a learner/apprentice, cHRyos HR will hand the information over to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against staff, cHRyos HR will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

This policy will be reviewed biennially to ensure it remains fit for purpose.