UNITED SYNAGOGUE NURSERIES

Managing Allegations and Low Level Concerns Policy

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Managing allegations and low level concerns Policy

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Section 1

1. Process overview [Please see Appendix 1 for flowchart summary]

In the event of an allegation, the case manager (Nursery manager or deputy in their absence OR Head of Safeguarding (Claudia Kitsberg) if the allegation is against or involving the nursery manager) will take the following steps:

- Gather basic facts in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
- Consider if a member of staff is placed on non-contact duties if in regulated activity with children at the point of allegation.

Consider if the threshold for LADO referral if any person in a position of trust, working in the nursery 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;
- 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

- If the allegation meets the threshold above, call the LADO (Local Authority Designated Officer) **immediately** noting contact MUST be made within 1 working day (24 hours at the maximum).

  Note: The case manager may, on occasion, consider it necessary to involve the police *before* consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.

The LADO discussion is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services.

- **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the nursery and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action in nursery and/or liaise with the police and/or children's social care services as appropriate.

- Ensure all relevant internal recording forms and external referral forms are completed.
- Inform Tamar Berman, Nominated Individual at the United Synagogue and Claudia Kitsberg – Head of Safeguarding via a 3-way TEAMs call.
- Follow advice specified by the LADO.

- The case manager (Nursery manager or Tamar Berman - NI) must notify Ofsted as soon as possible (no longer that 14 days) from the LADO call being made.
- Following the advice of the LADO, inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the nursery is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, the Head of Safeguarding – Claudia Kitsburg, the US HR team, police and/or children's social care services, as appropriate.
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the LADO and make a risk assessment of the situation. If necessary, the case manager may make a referral to children's social care.
- Attend the ASV (allegation against staff or volunteer) / Strategy meeting if convened by the LADO, the case manager and Tamar Berman (NI) will attend.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).
- Notify LADO of internal investigation outcome.
- Notify parents of investigation outcome.
- Update Ofsted of the outcome.
- All records related to the allegation process must be stored in a confidential storage area within the nursery, and scanned copies sent securely to the US NI (Tamar Berman) for central storage.
- Should the outcome of the allegation result in dismissal, the nursery manager must ensure a referral to the DBS is made, which will be completed by HR, where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

2. Notifying Ofsted

The nursery manager must inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always **within 14 days** of the allegations being made.

Where the police are involved, wherever possible the nursery will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the nursery's disciplinary process, should this be required at a later point.

3. Additional considerations for bank staff and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the nursery, such as a bank staff or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The US HR team will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the nursery, while the nursery carries out the investigation.
- We will involve the agency fully, but the nursery will take the lead in collecting the necessary information and providing it to the LADO as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

4. Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

5. Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the nursery ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the nursery will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the nursery.

6. Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the nursery will consider whether any disciplinary action is appropriate against the individual(s) who made it.

7. Confidentiality and information sharing

The nursery will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared;
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality;
- What, if any, information can be reasonably given to the wider community to reduce speculation;
- How to manage press interest if, and when, it arises.

8. Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the threshold above and store them on the individual's confidential personnel file on the nursery premises for the duration of the case. Copies of the records should also be shared securely with Tamar Berman (NI) for central storage.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the nursery will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

9. References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious.
- Include substantiated allegations, provided that the information is factual and does not include opinions.

10. Learning lessons

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the nursery's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff;
- The duration of the suspension;
- Whether or not the suspension was justified;
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

11. Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the nursery that they were abused as a child, we will advise the individual to report the allegation to the police.

Section 2

12. Concerns that do not meet the harm threshold

This section applies to all concerns (including allegations) about members of staff, including agency staff, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the nursery
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

13. Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the nursery may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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

- Being overly friendly with children
- Having favourites

14. Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer

- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the nursery's safeguarding system

15. Responding to low-level concerns

If the concern is raised via a third party, the nursery manager will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The nursery manager will use the information collected to categorise the type of behaviour and determine any further action, in line with the nursery's code of conduct.

16. Record keeping

All low-level concerns will be recorded in writing by the nursery manager and stored on the individual's confidential personnel file on the nursery premises. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR;
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the LADO;
- Retained at least until the individual leaves employment at the nursery.

Where a low-level concern relates to agency staff or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

17. **References**

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

This policy is reviewed on an annual basis.

Appendix 1: Flowchart of managing an allegation against a member of staff

[Please see Section 1 for full policy requirements]

Allegation is made against a member of staff

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Gather basic facts / Consider if member of staff needs to be taken out of ratio and into non-contact duties

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Review the 'Allegations threshold' and **immediately** call the LADO if the threshold has / may have been met (within 24 hours maximum)
Follow all advice given by the LADO

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Ensure all relevant internal recording forms and external referral forms are completed

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Inform Tamer Berman (NI) and Claudia Kitsburg (Head of Safeguarding)

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Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO

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Inform the parents or carers of the child/children involved about the allegation

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The case manager (Nursery manager or Tamar Berman - NI) must notify Ofsted as soon as possible (no longer that 14 days) from the LADO call being made

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The case manager (Nursery Manager) and Tamar Berman (NI) will attend the ASV / Strategy meeting if convened by the LADO
OR Complete internal investigation

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The case manager notifies the outcome of the investigation to:

- LADO
- Parents
- Ofsted
- **If the outcome leads to staff dismissal made referral to the DBS*

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The case manager must ensure all record keeping requirements are met