

Policy Title and Number:

Allegations of Abuse Policy

Policy Reference Number: JIC-017

Legislation that informs this policy

The Children Act 1989

The Children's Bill 2004

The Children's Act 2006, 2014

UN Convention on the Rights of the Child (1989)

The Equalities Act 2012

Care Standards Act 2015

Protection of Children Act 1999

Human Rights Act 1998

The Data Protection Act 2003

The Rehabilitation of Offenders Act 1974

Safeguarding Vulnerable Groups Act (2006)

EYFS Welfare Requirements 2017

General Data Protection regulations 2018

This list is not exhaustive

Definition of allegation

“Allegation” is defined as a suspicion or concern that a trusted individual within an organization or establishment has mistreated or abused a child or may be about to do so.

An allegation, therefore, is more than a complaint about the service provided or an individual's demeanor in the course of carrying out their job or role. It is possible that an allegation could arise out of one or more complaints or concerns coming to a manager's attention.

An individual's behaviour is not necessarily a deliberate or intentional act; unintentional behaviour on the part of an individual or institution can also lead to the mistreatment or abuse of children in cases of negligence or failing in the duty of care.

Policy Statement

It is a legal requirement for all registered providers to have a policy regarding allegations being made against an adult working in the setting, whether they are a member of staff or a volunteer.

Appropriate policies and procedures, as well as following the principles of good practice, protect both the children and the adults. However, an allegation may be made and in such circumstances the Company's procedures should be followed.

Just Imagine Day Nursery – Canvey Island will refer any disclosure of abuse or of the likelihood of abuse, observation of injury or neglect, knowledge and observation of emotional abuse to any Social Worker On Duty. If the allegation is against a member of staff, the Local Authority Designated Officer (LADO) must be informed through the Children Assessment Investigation Team (CAIT):

If an incident occurs or an observation is made out of normal hours and a child has suffered injury or been harmed then the allegations should be referred immediately to the Police and/or Social Services. In any event, the LADO must be informed and involved at the earliest opportunity and no later than within one working day of receiving the allegations.

In compliance with the Local Authority's Safeguarding Children Board procedures, *Just Imagine Day Nursery – Canvey Island* will also report any allegation against a member of staff to the Local Safeguarding Children Board and to Ofsted.

Procedure to follow when an allegation is made against a member of staff

The member of staff against whom an allegation has been made should always be:

- a. Treated fairly and honestly and helped to understand the concerns and the processes involved
- b. Advice should always be sought from the LADO or the Police if appropriate, as to whether to share information about the allegation with the victim, perpetrator or the victim's parents. This decision will be dependent on whether there is likely to be an ongoing Police or Internal Disciplinary investigation.
- c. Suspension does not need to be automatic. It should be considered in cases where:
 - It is suspected that a child(ren) is at risk of significant harm, or
 - The Police are investigating the allegation or
 - There might be grounds for dismissal due to the nature of the allegation.

If the individual returns to work following suspension, the employer should consider what help and support might be appropriate and how best to manage the staff member's future contact with the child concerned if they are still attending the setting.

Any allegation should be treated seriously and objectively, with those concerned keeping an open mind.

They should not:

- a. Investigate or ask leading questions if seeking clarification
- b. Make assumptions or offer alternative explanations
- c. Promise confidentiality (e.g. provide reassurance that the information will only be shared on a "need to know" basis).

They should:

- a. Make a written record of the information given, including the time, date and place of the incident(s), those persons present, and what was said and then sign and date the written record, and
- b. Ensure that the Company's procedures have been and are followed.

Procedures to help protect staff from allegations of abuse

Staff should follow the provisions of the Code of Staff Conduct, particularly ensuring the following:

- Ensure the safety and welfare of the child, which is always paramount.
- fulfil their responsibilities and duties towards children by working in partnership with parents.
- conduct their relationships with children and families in a professional manner at all times.
- Follow all provision policies and procedures, among which, those listed below are particularly relevant:

-1- Parents as Partners

-2- Behaviour Management

-3- Equal Opportunities/Inclusion/Special Educational Needs.

-4- Physical contact/Restraint Policy

- Be vigilant in Health & Safety matters, e.g. recording any bruises/marks a child has on arrival on a Home Accident Form. (Separate pages for each child to ensure confidentiality).
- Prepare comprehensive written reports of all children's' accidents and present them to parents, for their signature. Any written account should be witnessed by a second staff member.
- pass on any information about training needs identified in team members to their HR Area Partner.

Seek advice, help and/or support if they find a child's behaviour is persistently challenging or difficult to manage.

Date updated: August 2021

Date for review: August 2022

Links to other policies:

Physical Contact & Restraint Policy

Anti-bullying Policy

Safeguarding Policy