

Managing Allegations against Staff Policy



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Reviewer	Liam Donovan/Kirsty Nakabale

Policy

If an allegation is made against a member of staff, volunteer, student, apprentice, agency worker, contractor, or any adult working on behalf of the school/nursery, it is the duty of all staff to report the concern immediately and without undue delay to the Designated Safeguarding Lead (DSL).

Low-Level Concerns

The school/nursery recognises the importance of identifying and responding to low-level concerns. A 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 Safeguarding Code of Conduct, including behaviour outside of work, but does not meet the threshold for referral to the Local Authority Designated Officer (LADO).

Low-level concerns will be managed in accordance with the Safeguarding & Child Protection Policy and Safeguarding Code of Conduct Policy.

Procedure

The DSL will establish the facts and consider the following:

- Whether there is an immediate risk of harm needing immediate action, such as review of duties or change of environment.
- Refer to the LADO as soon as possible, and in any case within 24 hours of the allegation being made, which meets the following threshold that a member of staff 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 he or she may pose a risk of harm to children.*
 - *Behaved or may have behaved in a way that indicates they may not be suitable to work with children.*
- Accessing the Local Authority Threshold document and procedures to inform next steps.
- Refer to other agencies as appropriate e.g., the police etc.

The setting must not commence any type of investigation until the LADO confirms that the allegation is passed back to the reporting DSL to complete an internal investigation.

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The DSL may make the decision to place the member of staff on to non-contact duties; If the allegation suggests that the staff member poses an immediate risk to children then they must be removed from childcare duties. You must not suspend a member of staff without speaking to the LADO first. When considering suspension for a staff member a Suspension Risk assessment must be completed.

Following advice given by the LADO, and where the case had been passed back to the DSL to investigate, all incidents and allegations will be investigated without undue delay, informing the member of staff against whom the allegation has been made.

If the member of staff is absent from the setting for any reason, where appropriate after seeking HR advice, they will be contacted to attend a meeting to discuss the allegation. This will also include if the member of staff has since left the setting. Where it is not possible for the individual to attend, the incident can be discussed over the phone, with notes of the conversation written and shared with the individual for confirmation of accuracy.

Should the LADO decide this meets their threshold to investigate, or be passed to another applicable authority, the DSL will support the investigation and any procedures to ensure the allegation is adequately concluded.

All investigations will be completed in line with the settings Investigation, Disciplinary and Grievance policy. The investigation, allegation and any subsequent information regarding the alleged incident will always remain in the strictest confidence, information must only be shared on a need-to-know basis.

Managers/Head Teacher must report all incidents/allegations to Toots Nursery Group Head Office through your Managing Director or Early Years & Operations Director, who will support you throughout the process as required.

A summary of serious incidents/allegations will be reported to OFSTED within 14 days or as soon as reasonably possible, describing the allegation, the steps taken and any outcomes to date. Following investigation, further referral to the Disclosure & Barring Service (DBS) will be made if required and recorded in the nursery files in line with the Investigation, disciplinary and grievance policy. All information regarding the alleged incident, investigation and any subsequent appendices must remain on site.

Where appropriate, referrals may also be made to children's social care, the police, the Disclosure and Barring Service (DBS), Ofsted, or other relevant statutory agencies in line with safeguarding requirements and the advice of the LADO.

Any information identified during an allegation process that may affect an individual's suitability to work with children, including arrests, charges, cautions, convictions, investigations, safeguarding concerns, or disqualification matters, will be managed in accordance with the Safer Recruitment Policy and Safeguarding & Child Protection Policy.

Managers/Head Teacher must provide support, advice, and guidance to all staff on an ongoing basis and on any specific safeguarding issues as required. An allegation does not presume guilt or definitive occurrence, the setting employer also has a legal duty of care to the employee and should ensure they remain in contact with the employee throughout the investigation.

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If your concern is regarding the Designated Safeguarding lead, a Senior Manager, you must escalate your concerns with either of the following:

- Deputy/ nominated Safeguarding lead
- Early Years & Operations Director
- LADO

The conclusion of an internal investigation will be accompanied by an investigation outcome letter or disciplinary outcome letter if applicable. Should the staff member be returned to work following a suspension a welfare/return to work meeting should be held.

See also Managing Allegations Against Staff Flowchart

Further Guidance

Early Years Foundation Stage (EYFS) Statutory Framework for Group and School-Based Providers (effective from 1 September 2026)

Working Together to Safeguard Children (2026)

Keeping Children Safe in Education (KCSIE) 2026

(although directed at schools, it contains safeguarding guidance that early year's providers may find useful)

Linked Policies

Safeguarding & Child Protection Policy

Safeguarding Code of Conduct Policy

Safer Recruitment Policy

Whistleblowing Policy

Online Safety Policy

Investigation, Disciplinary and Grievance Policy