



## CONDUCT AND DISCIPLINE POLICY AND PROCEDURE

### Appendix 1

#### **Managing Concerns or Allegations against Staff working with Children or Adults who have Care and Support Needs**

The Buckinghamshire Safeguarding Children Board publish the procedure for managing allegations against staff and volunteers working with children to ensure that safeguarding allegations are dealt with consistently, thoroughly, fairly and in a timely manner. The procedure can be found on its website here:

[7.2 Managing Allegations against Staff and Volunteers Working with Children](#)

The Buckinghamshire Safeguarding Adults Board publish the procedure for managing concerns or allegations against staff and volunteers working with adults who have care and support needs. The procedure can be found on its website here:

[Managing Concerns or Allegations against Staff and Volunteers working with Adults who have Care and Support Needs](#)

In the case of allegations against adults who have care and support needs, where there is seen to be substance to an allegation, consideration should be given to whether to make a referral to the Disclosure and Barring Service (DBS) while an investigation is being completed. The operational process for reporting incidents to the DBS is given in the procedure.

#### **General points to consider when dealing with allegations against staff**

##### **Immediate actions**

Inappropriate early actions can sometimes inadvertently prejudice an investigation into an allegation – including where necessary, a police investigation. Managers dealing with a safeguarding allegation against a member of staff should always refer to their Designated Safeguarding Manager or to Human Resources at the earliest possible stage and before taking any action to investigate or suspend a member of staff.

##### **Timescales**

Timescales for conducting initial investigations and determining the need for disciplinary hearings are set out clearly in the procedures for Managing Allegations against Children and for Managing Concerns or Allegations against Staff and Volunteers Working with Adults who have Care and Support Needs.

##### **Settlement agreements**

‘Settlement agreements’ must not be used. A ‘settlement agreement’ is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

### **Referrals to other regulatory bodies**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person’s services, or the person resigns or otherwise ceases to provide his/her services, the LADO or Designated Safeguarding Manager should discuss with the employer whether the employer is under a duty to refer the matter to the appropriate regulatory body in the case of children; and to the Disclosure and Barring Service (DBS) and/or the appropriate regulatory body in the case of adults who have care and support needs.

### **Retention of records**

A clear and comprehensive summary of the case findings should be held on a person’s confidential HR file.

In the event that there is no action under the procedure, a summary of the case must be kept until a person’s normal retirement age, or 10 years from the date of an allegation, whichever is longer.

Where it is found there is a case to answer involving the protection of children or adults who have care and support needs and disciplinary action is taken, the papers relating to this disciplinary action must be kept for 75 years from the employee’s date of birth.