**Allegations response policy**

**1.0** 1st Healthcare strives to promote an open and fair environment for work in the care of our young residents. There is a duty of care to the wellbeing of service users as well as the support and management. This means that the allegations process must be clear to the subject of allegations as well as the would-be accuser. What happens next, what time period to act and who investigates. When investigation requires external involvement or full investigations and what process occurs depending on the type of allegation. Any allegation that leans towards gross misconduct or where the evidence is string would require instant suspension of the staff /manager pending the findings of the investigation - internal or external or both. staff and ensure that working relations amongst them are conducive for positive output and job satisfaction. . Managers or frontline staff are also allowed to have a witness or representative in the investigation meetings.

**2.0 Allegations - hierarchy of staff**

**2.1 Allegations against staff from service users (Internal complaints)**

The service manager or supervising managers can take steps to investigate internally, and a decision is made to suspend staff, dismiss staff or reallocate staff to another accommodation where there is no contact with the accuser pending the results of the investigation. LADO / Social worker / Placement team needs to be contacted within 12 -24 hours of the allegation being made by the service user. Managers will be told by external parties what the process requires and make recommendations about suspension of staff pending the outcome of the allegations. Service users are also able to make these queries without fear of intimidation or repercussions which is why it is important to remove the accused staff from the proximity of the accuser. There are quite a number of cases where service user allegations against staff are unfounded and malicious, this has to be taken into account and the rights of a worker needs to be acknowledged without the quality or process of investigations being compromised.

**2.2 Allegations against staff from other staff.**

All staff will be supplied with a copy of the Disciplinary Procedure on commencement of their employment at 1st Healthcare either on paper or electronically. Any complaints about an employee made by another member of staff will be taken seriously and thoroughly investigated before any disciplinary action is taken if misconduct or unprofessional behaviour is concerned. Anonymity is also granted and there will not be a situation where there are defense arguments in a meeting. At every stage in the procedure, the employee will be advised about the nature of the allegation made against them and the possible outcome. No disciplinary action will be taken against an employee until the case has been fully investigated. In some cases, the employee may be re-assigned to another unit or will be suspended from work while investigation is taking place. This will depend on the nature or severity of the alleged misconduct or in accordance with current legislation. At all stages of this procedure the employee will have the right to be accompanied to formal hearings by a trade union representative or work colleague. The employee will be given a formal opportunity to state their case directly or via their representative before any decision on disciplinary action is made.

**2.3 Allegations against managers from staff /service users**

This whole process as stated in the staff handbook ensures that the status of a manager does not prevent allegations process where it is required. Again, depending on the nature or strength of evidence, the General manager /directors may suspend, dismiss and or report the allegations to LADO over the next 24 hours. Managers are also expected to familiarise themselves with what happens next. Managers are also allowed to have a witness or representative in the investigation meetings.

**2.4 Allegations against the organisation from staff or service user**

Staff as well as service users must be made aware of the procedures, they are advised to follow should there be a situation where an allegation is likely. This may be a whistle bowing exercise where the accuser be it a service user or a member of staff feels that the case against the company’s mode of practice or service professionalism is in need of external intervention. The company may be ignoring the need to investigate staff misconduct for instance, or the company is operating with policies that are damaging, unprofessional or deemed as most ineffective to the needs of a service user. Allegations against the company as a whole may also relate to how staff are treated unfairly or where there is a general breach against employment laws, or a stark compromise on safer recruitment expectations with the service specifications or common compliance as stated by regulatory bodies or local authorities.

The company must respond within 24 hours of the allegation being shared with external parties. This may be a LADO intervention, and, in some cases, the allegation may include specific members of staff and then management who have failed to act on certain issues. Those parties will be involved in the investigative process.

**3.0 PRINCIPLES**

All disciplinary proceedings will comply fully with current legal requirements and practice recommended by the Advisory, Conciliation and Arbitration Service. The company’s procedure will uphold the following principles:

**4.0 INFORMAL INVESTIGATION**

Where there has been an apparent breach in standards of performance or misconduct by an employee as per the allegation, the line manager will usually hold an informal meeting as soon as possible with the employee to investigate the allegation. Depending on the severity of the allegation/ situation, this discussion may occur at the earliest opportunity or may be held during a supervision meeting. At the end of this meeting, the line manager will decide if further action should be taken. This action could include the employee and the manager agreeing to the arrangement of counselling, training or appropriate support for the employee immediately or the line manager may decide to commence disciplinary proceedings, written records will be taken and kept.

If the line manager decides that there is a disciplinary case to be heard, then a formal investigation will commence. The line manager will inform the employee that this is taking place and also outline the allegations that have been made. As part of the investigation, the line manager may wish to interview witnesses, such as other employees, residents or external individuals. All these interviewees will be informed of the reason for the interview. Employees are required to fully cooperate with such investigations in a professional manner and to provide all information that may be relevant to the investigation. Employees may not discuss any information relating to the facts of the case arising from this interview with anyone outside of the meeting as this will be regarded as a breach of confidentiality.

All these investigation interviews will be recorded in writing and the interviewees will be invited to sign this record to confirm that the notes are an accurate record of what was discussed. If an interviewee wishes, they may add written comments to be attached to this statement. The line manager will inform the interviewees if their statement is to be presented at the disciplinary hearing and if they will be required to attend the hearing as a witness. Where an individual has been the subject of alleged bullying or harassment, they are usually not required to attend the hearing.

**5.0 OUTCOME OF HEARING**

The employee will be verbally informed of the outcome of the hearing, including any disciplinary action that the line manager has decided to take, and their right of appeal. This will be confirmed by the line manager in writing within three working days after the hearing. The manager will take notes of the hearing or another appointed minute taker or the hearing may be taped. The employee will be invited to sign the written record of the hearing to indicate that they agree that the notes are accurate. All notes and relevant documentation will be placed on the employee's personal file for the duration of the warning and the employee and the manager will hold copies.

writing of the reasons for this decision, the date on which their employment will be terminated and their

right to appeal. In these cases, dismissal will consider the notice period to which the employee is contractually and legally entitled. 1st Healthcare reserves the right to require any employee not to attend work during their notice period in such instances.