



Procedures for dealing with allegations of abuse against staff

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Abbreviations used

DSM: Designated Senior Manager
LADO: Local Authority Designated Officer
CPS: Crown Prosecution Service

1 Safeguarding Environments

All organisations should be proactive in reducing the risk of child abuse taking place within the services they provide by:

- Developing a safeguarding ethos in which children and staff can express their concerns; where staff are encouraged to challenge poor practice constructively; and where ‘whistle-blowing’ procedures can be engaged without fear. This means that safeguarding policies and procedures are accessible to all and that there are means for communication and access to skilled advice, both internal and external to the organisation.
- Adopting safe recruitment and effective safe termination of employment practices.
- Ensuring that all staff receive appropriate training in child protection: signs, symptoms and referral procedures, which include how to recognise and respond to allegations against staff.
- Ensuring that staff understand what is safe practice and what is not. In particular, staff must be aware of behaviours that are likely to bring about criminal, child protection or disciplinary action. All staff therefore, should be provided with clear and relevant codes of conduct.
- Ensuring that vulnerabilities expressed by staff are taken seriously and responded to at the earliest stage.
- Ensuring that risk assessments following allegations are undertaken to reduce the likelihood of repetition.

1.2 A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.

1.3 Staff and volunteers are also strongly advised to report any incident, involving themselves that could give rise to concern, including the potential for misinterpretation by others.

2 Scope

- 2.1 These procedures should be followed by all staff, volunteers and partners providing services for children and young people.
- 2.2 Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously; consistent with a thorough and fair process for all concerned.
- 2.3 These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, 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 s/he is unsuitable to work with children.
- 2.4 These behaviours should be considered within the context of the four categories of abuse i.e. physical, sexual, emotional abuse and neglect as defined in Working Together to Safeguard Children 2018 (DfE) which sets out how individuals and organisations should work together to safeguard and promote the welfare of children. The guidance has been updated since the previous version, to reflect developments in legislation, policy and practice. The guidance is addressed to all practitioners and front-line managers who have particular responsibilities for safeguarding and promoting the welfare of children, and to senior and operational managers in organisations that are responsible for commissioning or providing services to children, young people, parents and carers.
- These include concerns relating to inappropriate relationships between members of staff and children or young people e.g:
- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence, other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g inappropriate text/e-mail messages or images, gifts, socialising etc Possession of indecent photographs/pseudo-photographs of children.
- 2.5 References to 'staff' should be read as including all staff, whether in a paid or voluntary capacity.

3 Roles and responsibilities

3.1 Named Senior Officers

Within Rastrick High School the Deputy Headteacher (Standards) has overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with these procedures
- Resolving any inter-agency issues
- Liaising with other agencies on the subject
- Ensuring that information is collated in accordance with the requirements of this policy and legal requirements.

3.2 The Deputy Headteacher (Standards) takes lead responsibility for co-ordinating the strategic response of member organisations in the management of allegations against staff and volunteers. This Deputy Headteacher (Achievement) will operate to ensure that agreed standards in managing allegations are communicated across the appropriate agencies, and that mechanisms are in place to ensure effectiveness and consistency in practice.

3.3 Local Authority Designated Officers (LADOs)

Calderdale's Local Authority has an officer in place with specific responsibility for:

- Being involved in the management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the police and other agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process

The functions of the LADO in Calderdale's covers allegations against staff in education

3.5 Where the role of the LADO could be compromised by his/her operational involvement in a case, the Named Senior Officer within the Local Authority will oversee arrangements.

3.6 Designated Senior Managers

Rastrick High School designates the Deputy Headteacher (Standards) as Designated Senior Manager (DSM) to whom allegations or concerns should be reported.

In the absence of the DSM, or where the DSM is the subject of the allegation or concern allegations or concerns should be reported to the Headteacher.

3.7 The DSM will:

- Provide a reporting point within the organisation or service for allegations or concerns against staff and volunteers
- Consult with the Local Authority Designated Officer to determine what action, if any, is required

4 General considerations

4.1 Information Sharing and Notification

4.2 Children, young people, parents or carers

The parent(s) carer(s) and the child, if sufficiently mature should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

4.3 Staff and Volunteers Subject to Allegations or Concerns

The member of staff should:

- Be treated fairly, honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- If suspended, be kept up to date about events in the workplace

4.5 Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with the progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

4.6 Support

Rastrick High School, together with Children's Social Care and/or the Police where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed

4.7 As soon as possible after an allegation has been received, the accused member of staff should be advised to contact his/her union or professional association, if they are affiliated to one. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

4.8 Where a member of staff returns to work after a period of suspension, the employer should consider what help and support might be appropriate e.g. a phased return to work; provision of a mentor; how best to manage the member of staff's contact with the child concerned, if still in the workplace.

4.9 Suspension

Suspension should not be automatic. It should be considered in any case where:

- There is cause to suspect a child is at risk of significant harm, or
- The allegation warrants investigation by the police, or
- The allegations is so serious that it might be grounds for dismissal

- 4.10 The possible risks should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.
- 4.11 Decision whether to suspend rests with the employer. The employer should however, make an informed decision by seeking a recommendation from the LADO and from investigative agencies where they are involved.
- 4.12 Resignations and 'Compromise Agreements'
- Every effort should be made to reach a conclusion in all cases even if:
- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations
 - It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete
- 4.13 'Compromise agreements' must not be used where there is an allegation of abuse. A 'compromise agreement' is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.
- 4.14 Organised and Historical Abuse
Investigators should be alert to the signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions.
- 4.15 Historical allegations should be responded to in the same way as contemporary concerns and with the same degree of priority. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.
- 4.16 Whistle-blowing
Rastrick High School's whistle-blowing policy is available on the VLE and staff are encouraged to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter to the LADO.
- 4.17 Timescales
It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Target timescales are set out in these procedures. If these timescales cannot be met, the reasons should be documented e.g. because of specific nature or complexity.

5 Initial response to allegations or concerns

5.1 Source of concern

An allegation against a member of staff may arise from a number of sources e.g a report from a child victim, a concern raised by another child or adult in the organisation, or a complaint by a parent or carer.

5.2 Initial action by person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

5.3 S/he should not;

- Investigate or ask leading questions, if seeking clarification
- Make assumptions or offer alternative explanations
- Promise complete confidentiality

S/he should:

- Instigate immediate medical care where appropriate (e.g initial first aid, not forensic examination)
- Offer reassurance that the information will only be shared on a 'need to know' basis
- Make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), person present and what was said.
- Sign and date the written record
- Immediately report the matter to the Designated Senior Manager (DSM), or deputy in his/her absence or where the DSM is the subject of the allegation.

5.4 Initial action by the Designated Senior Manager (DSM)

When informed of a concern or allegation, the DSM should not investigate the matter or interview the member of staff concerned or potential witnesses. S/he should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation)
- Countersign and date the written details
- Record any information about times, dates and location of alleged incident(s) and names of any potential witnesses
- Record discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions.

5.5 If the allegation meets the criteria in paragraph (see criteria under 'SCOPE') the DSM should report it to the LADO within 1 working day. Referral should not be delayed in order to gather further information.

5.6 As soon as possible after an allegation is made, the parents or carers should be informed. Where possible, advice should be sought from the LADO in advance on how this should be managed.

5.7 The LADO should also be consulted about how and when the accused member of staff is to be informed of the allegation. If sharing the information with the member of staff will not impede or undermine any subsequent investigation, there should be no delay in doing so. At this early stage, it is advisable to only explain that an allegation of a child protection nature has been made. The detail of the allegation can be explained by the investigative agencies.

- 5.8 If an allegation requires immediate attention, but is received outside of normal office hours, the DSM should consult the Social Care Emergency Duty Team or the Child Abuse Investigation Unit(CAIU) via local Police. The DSM should also inform the LADO as soon as possible following this action.
- 5.9 Initial consideration by the Designated Senior Manager (DSM) and the Local Authority Designated Officer (LADO)
There are up to 3 strands in the consideration of an allegation:
- A police investigation of a possible criminal offence
 - Social Care enquiries and/or assessment about whether a child is in need of protection or services
 - Consideration by an employer of disciplinary action
- 5.10 The LADO and the DSM should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. Care should be taken to ensure that concerns are not dismissed where a child might be confused about dates, times, locations or identity of the member of staff.

6 Strategy discussion meetings

6.1 Wherever possible, a strategy discussion should take the form of a meeting, however on occasions a telephone discussion may be justified. The following is a list of possible participants:

- LADO
- Social Care Manager
- Relevant Social Worker and his/her manager
- Police
- DSM for the employer concerned
- Human Resources Adviser if applicable
- Legal Adviser where appropriate
- Senior representative of Rastrick High School
- Senior representative of the partner organisation if the allegation is made against one of their workers
- Manager from the fostering service provider when an allegation is made against a foster carer
- Supervising Social Worker when an allegation is made against a foster carer
- Paediatrician, where applicable
- Relevant agencies, where a child is placed or resident in another authority

6.2 Information required for Strategy Meetings

6.3 The employer or their representative is likely to hold important information for the strategy discussion to consider. The employer (together with Human Resources Adviser where involved) should ensure that as much of the following information as possible is made available to the strategy discussions:

6.4 Regarding the alleged incident:

- Details of initial report e.g. time(s), date(s), location(s), what was said and by whom
- Possible witnesses

Regarding the member of staff:

- Personal details i.e. name, date of birth, address, ethnicity
- Employment record
- Any previous concerns/allegations
- Work context and duties
- Relationships with colleagues and pupils
- Other activities where he/she may have contact with children
- Relevant personal and family information (if known)
- Hobbies or interests e.g. photography and IT
- Awareness of procedures, relevant training undertaken

6.6 Regarding the child and his/her family:

- Personal details e.g. name, date of birth, address, ethnicity etc
- Family composition, history, contact details, relationship with school
- Educational ability, development and progress, including any special education needs

- Previous child protection concerns and vulnerability factors
- Whether previous allegations made
- Social relationships and activities, during and after school
- Speech, language and communications development
- Health; physical, emotional, behavioural and cognitive development

6.7 Regarding the organisation/service

- Relevant policies and procedures e.g. physical intervention, and how staff made aware of these
- Relevant training and how staff attendance is monitored

6.8 The first and any subsequent strategy discussions should:

- Ensure that where appropriate, immediate arrangements are made to protect the child/ren involved and any other child/ren possibly affected
- Decide whether the matter should be referred as a possible S.47 enquiry and/or police investigation. (A section 47 enquiry means that Children's Services must carry out an investigation when they have reasonable cause to believe that a child living in their area has suffered or is likely to suffer significant harm. The enquiry will involve an assessment of the child's needs and the ability of those caring for the child to meet his or her needs. The purpose of this investigation is to decide whether Children's Services should take any action to safeguard or promote the child's welfare.)
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- Consider the current allegation in the context of any previous allegations or concerns
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children under the Education and Inspections Act 2006.
- Consider whether a complex abuse investigation is applicable
- Plan enquiries if needed, allocate tasks and set time-scales
- Decide what information can be shared, with whom and when
- Consider what support should be provided to all children who may be affected
- Consider what support should be provided to the member of staff and others who may be affected
- Ensure that investigations are sufficiently independent
- Make recommendations where appropriate regarding suspension, or alternatives to suspension
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to target timescales
- Consider issues for the attention of senior management e.g. media interest, resource implications
- Agree dates for future strategy discussions

7 Allegations against staff in their personal lives

- 7.1 If an allegation or concern arises about a member of staff, outside of his/her work with children, and this may present a risk to children for whom the member of staff is responsible, the general principles outlined in these procedures still apply.
- 7.2 The strategy discussion should consider whether the concern identified justifies:
Approaching the member of staff's employer for further information, in order to assess the level of risk; and/or Inviting the employer to a further strategy discussion about dealing with the possible risks
- 7.3 If the member of staff lives in a different authority to that which covers his/her workplace, liaison should take place between the relevant agencies in both areas and a joint strategy discussion convened.
- 7.4 In some cases, an allegation of abuse against someone closely associated with a member of staff e.g. partner, member of the family, or other household member, may present a risk to children for whom the member of staff is responsible. In these circumstances, a strategy discussion should be convened to consider:
- The ability and willingness of the member of staff to adequately protect the children
 - Whether measures need to be put in place to ensure their protection
 - Whether the role of the member of staff is compromised

8 Disciplinary and suitability processes

8.1 The LADO and the DSM should discuss whether an internal disciplinary investigation is appropriate in cases where:

- It is clear at the outset or when decided by a strategy discussion, that a Police investigation or Social Care enquiry is not necessary, or
- The employer or the LADO is informed by Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued, or
- Where the Police and CPS formally agree to a disciplinary investigation running concurrently with their own investigations

8.2 The discussion should consider any potential misconduct and/or suitability issues on the part of the member of staff and take into account:

- Information provided by the Police and/or Social Care
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings

8.3 If formal disciplinary action is not required, the employer should institute appropriate action within 3 working days. If a disciplinary hearing is required, and further investigation is not required, the hearing should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/complexity of the case and in order to ensure objectivity.

8.5 The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

8.6 The investigating officer should aim to provide a report within 10 working days.

8.7 On receipt of the report the employer should decide within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

8.8 If at any stage, new information emerges that requires a child protection referral, the disciplinary investigations should be held in abeyance and only resumed if agreed with Social Care and the Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

8.9 Supply, contract and volunteer workers

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not whether to make a report for consideration of barring or other action.

9 Record keeping and monitoring process

- 9.1 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if this is longer.
- 9.2 Where a disciplinary investigation follows Police or Social Care enquiries, the subsequent decisions made by the employer must be brought back to a final strategy meeting. This is to ensure that any safeguarding issues have been brought to an appropriate resolution for each of the investigative processes engaged (i.e. criminal, child protection and disciplinary).

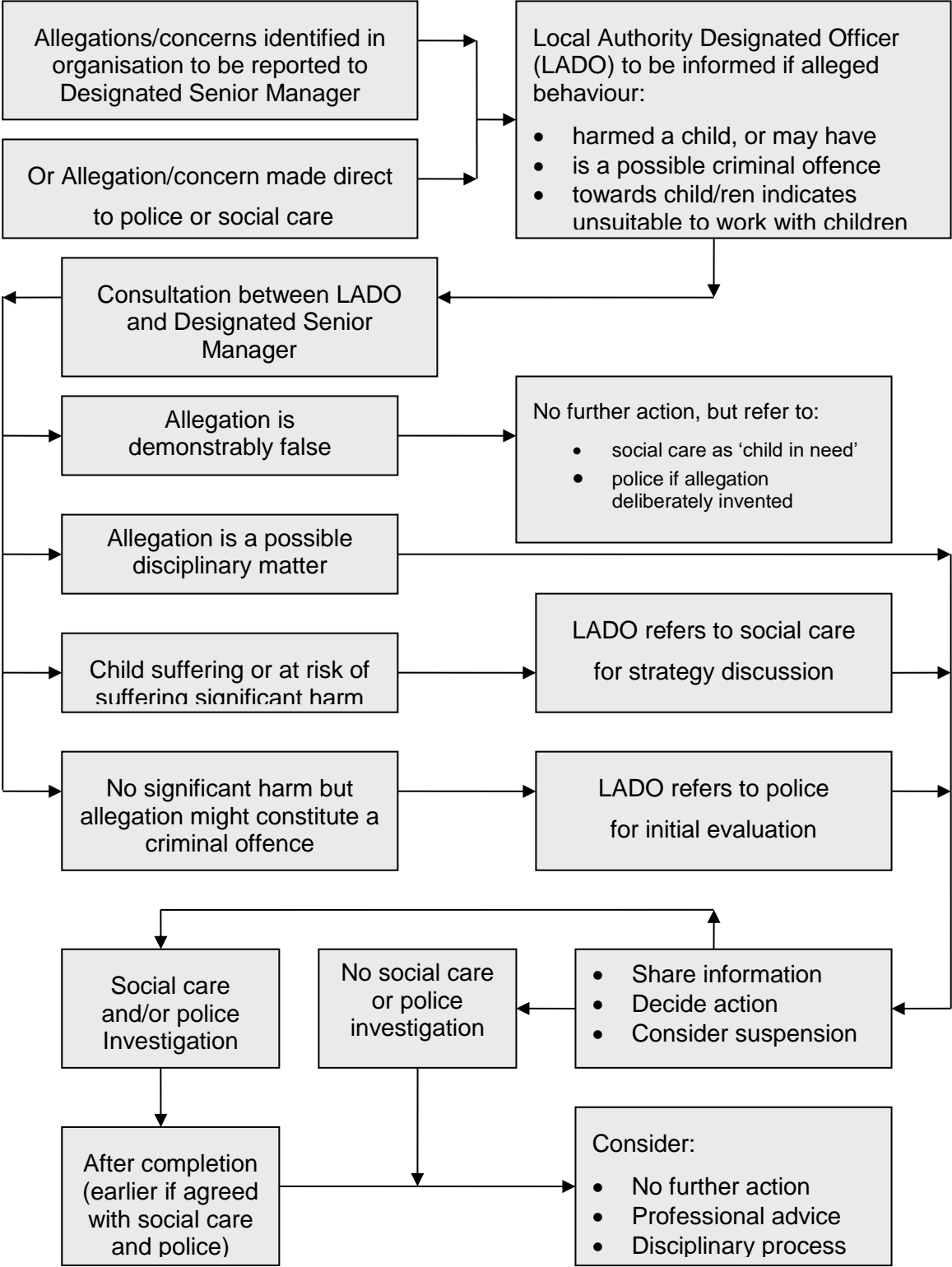
10 Unsubstantiated and false allegations

- 10.1 False allegations are rare and may be a strong indicator of abuse taking place elsewhere in a child's life, which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Social Care to determine whether the child is in need of services, or might have been abuse by someone else.
- 10.2 If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

11 Referral to regulatory body

- 11.1 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 should discuss with the employer whether a referral should be made to the Protection of Children Act List and/or a regulatory body e.g the Disclosure and Barring Authority.
- 11.2 In compiling a report for a barring or regulatory body, the employer will be offered guidance by the LADO in:
- Ensuring that wherever possible, the employer receives sufficient evidence from Social Care enquiries and Police investigations
 - Assisting in the interpretation of outcomes and professional opinion
 - Assisting in the identification of risks to children
- 11.3 If a referral is to be made it should be submitted within 1 month.
- 11.4 Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

**ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS
CHILD PROTECTION PROCESS**



**ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS
DISCIPLINARY/SUITABILITY PROCESS**

