

Our Lady of Peace Catholic Primary and Nursery School

'With Christ in our hearts, together we grow'



Managing Allegations Against Education Staff and Volunteers Working with Children and Young People

Approved by the Governing Body of Our Lady of Peace Catholic Primary and Nursery School

This policy was implemented April 2016

Managing Allegations against Education Staff and Volunteers Working with Children and Young People

Status

Statutory

Purpose

The policy is part of our overall strategy to safeguard and promote the welfare of children. Their welfare is paramount. We also believe that adults about whom there are concerns should be treated fairly and honestly and be provided with support.

Main ECM outcomes: all

Who/what was consulted?

Staff and trade unions were consulted. DfE and IRSC guidance on safeguarding children and handling allegations of abuse informed the policy.

Relationship to other policies

This policy relates to the child protection, recruitment, induction and retention of staff, and whistle blowing policies.

Roles and responsibilities of headteacher, other staff, governors

The **headteacher** will

ensure that all staff are aware of their responsibilities to safeguard children and promote their welfare (including through induction and ongoing training)

maintain a code of conduct for staff based on Guidance for Safer Working Practice for Adults Who work with Children and Young People in Education Settings

ensure that parents and carers are aware of relevant aspects of the code of conduct for staff – for example, not giving children their personal mobile numbers, not giving children gifts, lifts home, etc

ensure that parents and carers know who to go to if they have concerns [*Mrs Jean O’Keeffe (Headteacher)*]

ensure that children know who to go to if they have any concerns about their personal safety and well-being and that they understand the importance of not making unfounded allegations

agree with the governing body what behaviours to address through the school’s complaints or disciplinary procedures and in what circumstances they should contact the Local Authority Designated Officer (LADO), and review the decisions at least annually

always contact the LADO when there is reason to believe that an adult has behaved in a way that has harmed, or may have harmed a child; possibly committed a criminal offence against, or related to a child; or behaved towards a child or children in a way that indicates she or he is unsuitable to work with children

contact the LADO when an employee's behaviour is a matter of concern because it compromises or may be seen to compromise the reputation and ability of the school to safeguard children and young people

only use suspension when there is cause to suspect a child is at risk of significant harm, the allegation warrants investigation by the police, or the allegation is so serious it might be grounds for dismissal

ensure that any bar on contact between an accused teacher and other staff should apply on school premises only

safeguard the confidentiality of all concerned as far as possible

keep a clear and comprehensive summary of any allegations made, details of how they were followed up and resolved and of any action taken and decisions reached. The headteacher will keep these records in the individual's confidential personnel file and give a copy to the individual, and retain them until the person reaches normal retirement age, or for ten years, whichever is longer

facilitate the re-integration of staff following suspension or the conclusion of a case, by counselling, guidance, support, reassurance and confidence building.

The governing body will

ensure that the school's values explicitly promote the safeguarding and well-being of children

espouse the basic human right of being innocent until proven guilty

identify a governor to lead on child protection. In the event of an allegation of abuse being made against the headteacher this governor [*Mrs Anne Bishop*] will take responsibility for liaising with the LADO. The same governor will decide with the headteacher how to secure an independent, objective investigation when necessary

agree with the headteacher what behaviours to address through the school's complaints or disciplinary procedures and in what circumstances they should contact the LADO

ensure that at least one governor undertakes the Safer Recruitment training programme

ensure that any members who could be called to sit on disciplinary hearings are appropriately trained

ensure that at least once each year the governing body receives a full report on the school's arrangements for safeguarding children and promoting their welfare.

Staff will

put the welfare and well-being of children first

make every effort not to expose themselves to risk of an allegation being made

follow the guidelines set out in the staff code of conduct

report any incident that they suspect indicates an adult has behaved in a way that has harmed, or may have harmed a child; has possibly committed a criminal offence against, or related to a child; or has behaved towards a child or children in a way that indicates she or he is unsuitable to work with children

ensure that they access available training, guidance, support and supervision to fulfil their responsibilities to safeguard children.

Arrangements for monitoring and evaluation

The governing body will schedule into its meetings agendas annually a full report on safeguarding and child protection arrangements in the school. This will be compiled by the headteacher, senior designated teacher and the governor with responsibility for child protection

It will seek evidence that the induction of staff and ongoing training includes familiarisation with the staff code of conduct, including through exit interviews.

A committee of the governing body will review each decision to suspend a member of staff once proceedings have run their course, including judging whether the procedure, and the length of it, was justified. It will also review the handling of each allegation to assess whether it was handled expeditiously and whether the accused received appropriate support.

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MANAGING ALLEGATIONS AGAINST EDUCATION STAFF AND VOLUNTEERS WORKING WITH CHILDREN AND YOUNG PEOPLE

SAFEGUARDING ENVIRONMENTS

The protection of pupils from abuse is the responsibility of all staff, and Head Teachers and Designated Persons should ensure that staff and pupils are aware of how to report concerns of abuse and neglect

Schools 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.

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

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.

SCOPE

These procedures are based on the framework for dealing with allegations of abuse made against a person who works with children, detailed in Chapter 6 and Appendix 5 of Working Together 2006. They should be followed by all organisations providing services for children and young people

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. 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.

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 2013. 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

References to 'staff' should be read as including all staff, whether in a paid or voluntary capacity.

ROLES AND RESPONSIBILITIES

Local Authority Designated Officers (LADOs)

Slough's Local Authority has officers 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:

- For allegations against staff in education, the functions are carried out by the Manager for the Safeguarding in Education Team
- For all other staff, the functions are carried out by the Manager for the Specialist Investigation and Assessment Team

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.

Head Teacher – The Head of the school is responsible for dealing with allegations against members of staff. In his/her absence, this role should be undertaken by his/her deputy. In general, the Head Teacher is responsible for creating a safe environment in the school and is responsible for appointing a Designated Person for Child Protection.

Designated Person for Child Protection – This is a senior member of staff within a school who has responsibility for co-ordinating action on general child protection issues. Other than where the Head Teacher also holds this role, the Designated Person should not take responsibility for managing allegations against staff.

The Governing Body – The Governors are responsible for ensuring that there are sufficient measures in place to safeguard the children in their establishment. A **Nominated Governor** may act on behalf of the corporate body.

- The Nominated Governor liaises with the Head and Designated Person; ensures that an appropriate child protection policy and procedures are in place (which include allegations against staff); and presents an annual report on the child protection activity within the establishment.
- Where an allegation is made against the Head Teacher, the **Chair** or **Vice Chair** takes responsibility for managing the case and for liaising with the LEA Lead Officer and investigative agencies. The Chair or Vice Chair can also be the Nominated Governor,
- The Governor who takes responsibility for managing an allegation against the Head Teacher should not become part of any following disciplinary board on the same matter.

Throughout this guidance where the Head Teacher is referred to, the role is covered by the Chair of Governors where the Head Teacher is the subject of the allegation.

GENERAL CONSIDERATIONS

Information Sharing and Notification

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.

Staff and Volunteers Subject to Allegations or Concerns

The police may decide that enquiries might be hindered by an early approach to parties, or that certain information should not be divulged to them. The Head Teacher and LADO should therefore ensure there is no objection by the police before contacting any parties. They may also wish to consult Social Care on how best to inform the child/parents.

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

Ofsted

Ofsted should be informed of any allegations or concern made against:

- a member of staff in any day care establishment for children under 8

They should also be invited to take part in strategy discussions

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.

The Police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances e.g an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

Support

The organisation 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

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.

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.

Suspension

Every effort should be made to ensure that the impact of suspension on the member of staff concerned is as neutral as possible. 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

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.

The decision whether to suspend rests with the Head Teacher. The Head Teacher should however, make an informed decision by seeking a recommendation from the LADO and from investigative agencies where they are involved.

Interview to consider suspension

Where suspension is considered, the Head Teacher should arrange an interview with the member of staff outside pupil contact time wherever possible.

Prior to the interview, the Head Teacher should advise the member of staff that he/she may be assisted by a union representative or friend with whom he/she can have a brief meeting before the interview.

At the outset of the interview, the Head Teacher should inform the member of staff that an allegation has been made and at the conclusion of the interview there may be a decision to suspend, whilst further investigation takes place.

The member of staff should also be told:

- that this interview is not a formal disciplinary hearing or examination of the evidence, but an opportunity to make representations after the reasons for any proposed suspension have been given.
- that he/she may have a brief adjournment prior to giving a response.

The member of staff should be provided with as much information as is consistent with not interfering with an investigation about the allegation. Advice should be sought from the investigating authorities and LEA Lead Officer in advance of this meeting.

Immediate action following suspension

If, as a result of the interview, suspension is considered necessary, the Head Teacher should advise the member of staff and confirm the decision and reason in writing within one working day.

The Head Teacher should inform the Chair of Governors and the Director of Children's Services formally in writing that a member of staff has been suspended. (The Chair of Governors should inform the Director of Children's Services if a Head Teacher has been suspended).

The Head Teacher should send a report to the Governing Body informing them that a member of staff has been suspended. The report should only contain minimum information to avoid prejudicing their impartiality in any subsequent hearing or appeal in disciplinary proceedings.

Persons to be informed of the suspension

- The pupil or parent making the allegation should be informed of the suspension and asked to maintain confidentiality. Where the pupil is under 18, his/her parent should also be informed if consistent with wider child protection considerations.
- Senior members of staff should be informed of the reasons for suspension but only as far as necessary. Generally, this should only mean informing staff that an allegation has been made and whom it concerns. Further detail should normally be withheld.
- The Head Teacher should also consider whether it is necessary to inform other members of staff. Advice should be sought from the LEA Lead Officer and LADO Group on this matter.
- In certain circumstances, the Head Teacher may need to provide immediate reassurance to parents and children in the educational establishment. Again, advice should be sought from the LEA Lead Officer and Strategy Group on this matter. Any action should be considered against the need to avoid unwelcome publicity.
- Where serious cases for child protection are concerned and/or there is potential for media interest, a media strategy meeting should be held, involving the LADO, Senior Management and advice sought from the communications officers of the Local Authority and/or Police

Suspension of a governor

In certain prescribed circumstances the governing body can decide to suspend a governor for a period of up to 6 months – but it does not have to do so (School Governance procedures – England – Regulations 2003). The governing body can only suspend a governor if one or more of the following grounds apply:

- The governor is paid to work at the school and is the subject of disciplinary proceedings in relation to his/her employment.

- The governor is the subject of any court or tribunal proceedings, the outcome of which may be that he is disqualified from continuing to hold office as a governor under schedule 6 of the regulations; or
- The governor has acted in a way that is inconsistent with the school ethos or with the religious character and has brought or is likely to bring the school or the governing body or his office of governor into disrepute; or
- A governor is in breach of his duty of confidentiality to the school or to the staff or to the pupils.

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

‘Compromise agreements’ must not be used. 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.

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. They should consider whether the matter needs to be dealt with in accordance with Complex Abuse Procedures, which if applicable, will take priority.

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.

Whistle-blowing

All staff should be made aware of their organisation’s whistle-blowing policy and 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.

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.

INITIAL RESPONSE TO ALLEGATIONS OR CONCERNS

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 school, or a complaint by a parent or carer.

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.

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 Head Teacher or deputy in his/her absence.

Initial action by the Head Teacher

It is Important to recognise that establishing whether an allegation warrants further investigation is not the same thing as whether an allegation is founded.

When informed of a concern or allegation, the Head teacher 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.

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

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.

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.

If an allegation is received directly by the LADO (e.g. from a whistleblower) the LADO must take immediate action to inform the Headteacher. If the Headteacher is off-site, or the allegation is made outside normal school hours the LADO must make every effort to contact the Headteacher using emergency numbers. If an allegation requires immediate attention, but is received outside of normal office hours, the Head Teacher should consult the Social Care Emergency Duty Team or the CAIU via local Police. The Head Teacher should also inform the LADO as soon as possible following this action.

If a police officer receives an allegation, s/he should, without delay, report it to the Designated Detective Sergeant in the CAIU. The Designated Detective Sergeant should immediately inform the LADO.

Similarly, an allegation made directly to Social Care should be immediately reported to the LADO.

Initial consideration by the Headteacher and the 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

The LADO and the Headteacher 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.

If the allegation is not demonstrably false at the outset, and there is cause to suspect that a child is suffering or likely to suffer significant harm the LADO should request an immediate strategy discussion **within 24 hours**. Where the LADO is the designated officer within the Safeguarding in Education Team, s/he should liaise with the Team Manager of the Specialist Investigation and Assessment Team to request that a strategy discussion is convened within the same timescale.

The police must be consulted about any case in which a criminal offence may have been committed. Even where the threshold for significant harm is not reached, but a police investigation might be needed, the LADO should also request a strategy discussion. The issue of suitability to work with children must also be discussed.

Strategy discussions/meetings

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 to chair
- Relevant Social Worker and his/her manager
- Detective Sergeant
- Head Teacher
- Human Resources representative
- Legal Adviser where appropriate
- Senior representative of the employment agency or voluntary organisation if applicable
- Those responsible for regulation and inspection
- Paediatrician where applicable
- Relevant agencies, where a child is placed or resident in another authority

Information required for Strategy Meetings

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

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

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

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

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 there should be a.s.47 enquiry and/or police investigation
- 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 e.g. Section 550a Education act 1996
- 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

Staff in education have a duty to assist the police and social services with child protection enquiries.

Police should not normally conduct interviews on school premises, but where this is necessary, the interviews should be conducted at reasonable times.

Staff must maintain confidentiality about the enquiry, other than fulfilling their obligation to assist police and social services.

Allegations against staff in their personal lives

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.

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

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.

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

Disciplinary and Suitability Processes

The LADO and the Head Teacher 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

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

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.

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.

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

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**.

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.

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.

Sharing information for disciplinary purposes

Wherever possible, Police and Social Care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes. Consideration should also be given to the type of evidence required and how the employer and/or regulatory body is to access such evidence e.g. transcripts from, or direct viewing of, video recorded interviews.

If the Police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the Police should pass all relevant information to the employer without delay.

If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

Record keeping and monitoring progress

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.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LA to monitor and evaluate the effectiveness of the procedures for managing allegations.

The LADO should monitor and record the progress of each case, either **fortnightly or monthly** depending on its complexity. This could be by way of review strategy discussions or direct liaison with the Police, Social Care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be **no later than 4 weeks** after the strategy discussion. Dates for further reviews should also be agreed, either **fortnightly or monthly** depending on the complexity of the investigation.

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).

Instigating an investigation under disciplinary procedures

If it is decided that a disciplinary investigation should take place, the Head Teacher, in consultation with the LADO and Human Resources Manager, should appoint someone to conduct the investigation

A written record of the outcome of any disciplinary investigation must be retained indefinitely on the member of staff's personal and confidential file.

If the member of staff is dismissed, he/she should be informed about the employer's statutory duty to report their case to the Department for Children, Schools and Families Operations Unit, for consideration of debarring from further employment with children.

If the employee resigns before the disciplinary process is completed, the employer is not obliged to accept the resignation and appropriate attempts should be made to complete the process, so that the matter can be brought to a proper conclusion.

Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept on the section of a pupil's file, which is not open to general disclosure, together with a written record of the outcome of the investigation. If there are related

child protection concerns, records may be subject to disclosure; and, therefore, no assurances can be given regarding total confidentiality.

Issue an informal warning and/or professional advice

Where it is considered appropriate to offer an informal warning or words of advice, consultation should take place with Human Resources and LEA Lead Officer.

- The member of staff should be informed orally and in writing. In advance of meeting the member of staff, they should be advised that they may be accompanied by a friend or union representative.
- A record of the decision and advice/warning given must be kept by all parties.
- Any additional guidance or training required should be recorded and acted upon.

No further action

- If it is decided that no further action should be taken, the Head Teacher, in consultation with the LADO and Human Resources Officers, should inform the member of staff orally and in writing – confirming that no action under disciplinary or child protection procedures will be taken. In advance of meeting the member of staff, they should be advised that they may be accompanied by a friend or union representative.
- A record of this decision and the actions taken must be kept by all parties.
- Consideration should be given to the provision of support or counselling for the member of staff concerned.
- The Head Teacher, in consultation with the LADO should inform the child and Parents of the outcome. If dissatisfied, they should be advised of the Council's Complaints Procedure.
- Consideration should be given to the provision of support for the child, and where appropriate, the parents.
- Where no further action has been decided because the allegation was demonstrably false and malicious intent was **evidenced**, a plan to address the child's behaviour should be agreed, with the involvement of those with parental responsibility.

Unsubstantiated and false allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the strategy discussion should prepare a separate report of the enquiry and forward this to the Head Teacher of the employer to enable her/him to consider what further action, if any, should be taken.

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 abused by someone else.

If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

Referral to List 99, POCA List or Regulatory Body

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 DfES List 99, Protection of Children Act List and/or a regulatory body e.g. the GTC, GMC, GSCC.

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

If a referral is to be made it should be submitted **within 1 month**.

Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

Learning Lessons

The LADOs will provide regular progress reports and statistics to the Serious Case Review Sub Committee. The Sub Committee will determine whether there are any improvements to be recommended within specific organisations or across multi-agency procedure or practice.

Managing the Aftermath

Whether an allegation has been founded, unfounded or unsubstantiated, a debriefing involving the school, LEA and where appropriate investigative agencies should take place.

The impact on individuals concerned and the general morale within the school should be considered so that additional supports can be put in place.

Risk assessments should also be considered in relation to any practices which have made either staff or children vulnerable.

For more detailed guidance on managing the aftermath of an allegation see www.teachernet.gov.uk/docbank/index.dfm?id=6236

Contact Details

L.A.D.O. - 01753 690791

Head Teacher - Mrs JR O'Keeffe - 07858 266529

Chair of Governors - 07584 056300

ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS CHILD PROTECTION PROCESS



