

# Allegations Against Staff



January 2018

Headteacher: Mrs K Trethewy

Chair of Governors: Mr C Hammond

Thorpe Primary School welcomes our duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations in relation to age (as appropriate), disability, ethnicity, gender (including issues of transgender, and of maternity and pregnancy), religion and belief, and sexual identity.

We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.

We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

**Thorpe Primary School**  
**Policy and Procedures for Allegations Against Staff**

### **1. Introduction**

The following school procedures are taken from the Peterborough LSCB procedures and apply in the case of all adults working and volunteering with children, all of whom should have current Disclosure and Barring Service clearance.

These procedures also apply where concerns arise about an adult's behaviour in regard to his/her own children, and that adult works or volunteers with other children.

### **2. Amendments**

This procedure was revised in November 2015 having regard to the DfE statutory guidance 'Keeping Children Safe in Education', which was revised and issued in July 2015, and 'Guidance for safer working practice for those working with children and young people in education settings' revised and issued October 2015.

### **3. Government Guidance**

The Peterborough LSCB procedures adhere to the guidance in Working Together to Safeguard Children 2015 (WT15). The emphasis in managing allegations against adults who work/volunteer with children is on a multi-agency approach. However, the scope is not limited to allegations involving Significant Harm or the suffering or likely to suffer Significant Harm to a child. The Peterborough LSCB procedures apply the WT15 guidance which states that these should be followed in respect of any allegation that a person who works with children 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 they may pose a risk of harm to children.
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There may be up to three strands in consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by Children's Social Care about whether a child is in need of protection or in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

## 4. Structures required by WT15

### 4.1 Designated Officer (DO)

Prior to Working Together 2015, each Local Authority had a Local Authority Designated Officer (LADO).

Working Together 2015 requires local authorities to have designated a particular officer / team of officers to be involved in the management and oversight of allegations against people who work with children. Consequently, the term LADO no longer appears in Working Together 2015 but is still widely used by professionals.

In Peterborough there is one Designated Officer. This Designated Officer should be involved in all cases in which there is an allegation or serious concern about an adult working/volunteering with children. The DO should be informed within one working day of all allegations that come to an employer's attention, a Named Senior Officer or made directly to the Police.

\*DO Contact Details:

01733 864038 or [LADO@peterborough.gov.uk](mailto:LADO@peterborough.gov.uk)

### 4.2 Named Senior Officer (NSO)

The NSO at Thorpe is the headteacher. The headteacher has responsibility for ensuring that the school operates procedures for dealing with allegations in accordance with WT15. This includes the timely reporting of any allegation or serious concern to the DO.

In the absence of the headteacher, or in cases where the headteacher is the subject of the allegation or serious concern, allegations or concerns should be reported to the Deputy head teacher.

Every allegation or serious concern should be referred to the relevant Named Senior Officer, and then to the DO.

## 5. Definitions of Allegations and Serious Concerns

Allegations encompass **Physical Abuse, Sexual Abuse, Emotional Abuse or Neglect**. Some of these may involve injury to a child and be relatively easily recognisable. Increasingly, however, the allegations referred to the DO include abuse of electronic communication with children or young people by adults working/volunteering with them. There are also concerning numbers of relevant adults who have downloaded or possess inappropriate or illegal material, and whose suitability to work/volunteer with children thereby comes into question.

Serious concerns encompass one incident of behaviour, or a pattern of behaviours, towards a child or children, which initially does not appear to reach the threshold for referral to the police, but nevertheless may suggest that an adult poses a risk. These may be practice issues, left unaddressed over time, which incrementally may be considered abusive. They may also be incidents which leave the observer feeling uncomfortable about the adult's behaviour towards a child(ren).

## 6. Procedures for Managing Allegations or Serious Concerns

The formal procedures will be managed by the DO following each referral.

### Introductory notes:

*In the rare event of an adult who is working with children presenting an immediate risk of harming one or more children to what is perceived to be a dangerous extent, call the police.*

*The safeguarding of children is the paramount consideration.*

*The following actions should be taken immediately on hearing a disclosure or witnessing a relevant incident, if necessary before informing the Named Senior Officer ( At Thorpe, this is the headteacher).*

An allegation can come directly from;

- A child or parent
- A colleague or member of staff
- Information from the police or Local Authority Social Care
- A third party or the general public
- Anonymous disclosure or online
- Concerns generated through an employment relationship

### Initial actions

The immediate priority is to ensure that the individual child or group of children is safe. Appropriate attention should be given to any injury, but it is also important not to contaminate any potential forensic evidence.

If a child is making a disclosure, ensure that his/her account is accurately recorded as soon as possible; this must be an unprompted account. Do not discuss the disclosure with him/her. Make sure that the account is signed and dated.

If there are known witnesses, including yourself, make a note of their names and give them to the Named Senior Officer.

Where required, appropriate support should be put in place for the child. Do not discuss the details of the incident or disclosure with anyone.

### **Do not undertake any form of investigation at this stage.**

If the alleged perpetrator is unaware of the allegation or serious concern, do not alert him/her to it, as this may allow opportunity for him/her to influence others or to get rid of potential evidence. If s/he is aware that an allegation has been made, or that his/her inappropriate behaviour has been witnessed, inform the Named Senior Officer as quickly as possible.

If the seriousness of the allegation or the safeguarding of children indicates the need for suspension to protect all concerned, the Named Senior Officer must consult immediately with their HR department. The Designated Officer does not give HR advice but will advise on safeguarding matters

Keep a record of all actions or discussions at this stage.

Keep an open mind about the allegation or serious concern and close down speculation as much as possible. It is important to be fair to all involved.

Alert the Named Senior Officer to the allegation or serious concern as quickly as possible and within one working day. If the Named Senior Officer is not immediately available, contact the DO. When contacting either, have to hand:

- All available accounts of the incident or behaviour;
- Details of the child(ren) concerned, if possible;
- Details of the alleged perpetrator, if possible;
- Names of known witnesses.

### **Following the information being passed to the Named Senior Officer**

The Named Senior Officer will consult as soon as possible with the DO. Together they will assess all the information known at this stage, including the accounts made by the discloser and witnesses. Issues of particular importance in this discussion include:

- Whether a criminal offence may have been committed against or related to a child;
- Are all children involved appropriately safeguarded, or are further actions required to ensure this?
- Is the alleged perpetrator appropriately aware/not aware of the situation?
- Are there any grounds for believing that the allegation may be malicious, unfounded or false?
- Have there been similar concerns about either the adult or child concerned in the past?

The DO may refer the matter to the police who will assess the available information to determine whether a criminal offence has been committed.

There are occasions on which this decision is pre-empted by, for example, a parent or the alleged victim reporting the matter direct to the police. In such circumstances the police will also then liaise with the DO.

If, following discussion between the Named Senior Officer and the DO (and in some circumstances the Police) the DO/Police decides that the matter does not reach the threshold for referral to the police, the most usual decision is for the employer to conduct an internal enquiry into the allegation or serious concern, advised by their HR providers. The DO will consult with the Police if it is unclear whether a criminal offence has been committed.

If the allegation is not demonstrably false or unfounded, and there is cause to believe that an adult poses an ongoing risk to children, a Complex Strategy Meeting will be convened normally within 72 hours and

chaired by the DO or Conference and Review Service Team Manager and attended by the Named Senior Officer (or their nominated representative).

The essence of a Complex Strategy Meeting is to assess and manage the level and nature of any risk to children thought to be posed by the alleged perpetrator in any professional or voluntary capacity.

A police investigation will always take precedence over disciplinary procedures. Part of the discussion at a Complex Strategy Meeting will be whether there are justifiable grounds for suspension pending the outcome of a police investigation in order to safeguard children.

The alleged perpetrator is not invited to a Complex Strategy Meeting. Those present at the meeting will agree what information can be shared with the alleged perpetrator and when.

Decisions about information sharing with the alleged victim, parents and colleagues are also made in the Complex Strategy Meeting.

In some cases it is necessary to hold a series of Complex Strategy Meetings to monitor the progress of cases to a managed conclusion.

### **Decisions made at a Complex Strategy Meeting**

Normally at this point it will be known if there is to be a police investigation into the allegation. If so, that takes precedence, and the criminal justice system takes its course. If suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the employer and the DO/Complex Strategy Meeting. This should include what alternatives to suspension have been considered and why they have been rejected. The act of suspending in this context does not imply guilt; the intention is to safeguard all concerned, including the alleged perpetrator. Any additional actions to safeguard children are also decided upon.

If the police investigation leads to 'no further action', then the Complex Strategy Meeting will most usually refer the matter back to the alleged perpetrator's employer for an internal investigation. This may lead to consideration of disciplinary issues

If the allegation is substantiated and the person is dismissed or the employer ceases to use his/her services, or the person resigns or otherwise ceases to provide his/her services, then the DO and the employer should discuss whether or not a referral is required to the Disclosure and Barring Service (DBS). It should be noted that there is no discretion in this where 'regulated activity' and 'relevant conduct' are concerned, or where the individual is deemed to pose a risk of harm. (See the Disclosure and Barring Service website)

Whatever the outcome of the employer's internal enquiry, this should be reported to the DO for their records.

Staff, foster carers, volunteers and other individuals about whom there are concerns should be treated fairly and honestly, and should also be provided with support throughout the investigation process, as should others who are also involved. They should be helped to understand the concerns expressed and the

processes being operated, and be clearly informed of the outcome of any investigation and the implications for disciplinary or related processes.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider how the person's contact with the child/ren who made the allegation can best be managed if they are still a pupil at the school, or a resident in the children's home, for example.

If an allegation is unsubstantiated, the managers or commissioners of the relevant service should think widely about any lessons to be learned from the case, and how they should be acted upon. In certain circumstances, the DO may convene a meeting at the conclusion of an investigation to review whether any improvements need to be made to the agency's procedures or practice to help prevent similar events in the future.

Reviewed January 2018