

Shelton Junior School



Managing Allegations against Members of Staff

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Introduction

This policy is 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 to Safeguard Children (2010 - now archived) and Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges. All references in this document to 'staff' or 'members of staff' should be interpreted as meaning all paid or unpaid staff, professionals and volunteers.

In November 2018 the guidance was reviewed locally and the following points of clarification added:

- In Derby, The LADO (**Local Authority Designated Officer**) will record who will complete the actions, the timescale for completion and date the outcome of all actions will be fed back to the LADO. It is the LADO's responsibility to follow up any outstanding actions and record clearly in the case record;
- The school will need to write clearly in the personnel file the rationale for any decisions taken in respect of the member of staff;
- If the member of staff changes job whilst the LADO investigation is ongoing, the school must make the employee aware that it is their responsibility to inform the prospective new employer of the unresolved LADO complaint. Failure to do this may result in an offer of employment being withdrawn;
- Unfounded was added as an additional definition which can be used in cases where there is no evidence or proper basis to support the allegation made.

These procedures should be applied when there is an allegation or concerns about a member of staff who 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 they may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect, and include concerns relating to conduct at or outside work, and inappropriate relationship between members of staff and children or young people. For example:

- Having a sexual relationship with a child under 18 if in a position of trust (defined in Section 21 Sexual Offences Act 2003) in respect of that child (even if consensual) – see Sections 16-19 Sexual Offences Act 2003)
- 'Grooming' ie meeting a child under the age of 16 with intent to commit a relevant offence (see Section 15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature eg inappropriate text/email messages or images, gifts, socialising

- Possession of indecent photographs/pseudo-photographs of children
- Inappropriate behaviour towards children and/or conduct (ie social media, domestic abuse)

Roles and Responsibilities

Any allegation of abuse of a pupil by a member of staff must be reported to the Designated Safeguarding Officer (DSL) or the Deputy DSL in their absence. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation to report it to the DSL or if that is not possible to pass details of the allegation to the DSL immediately.

Should the allegation be made against the DSL then this should be brought to the attention of the Headteacher and/or the Chair of Governors immediately.

Initial Consideration

The first priority must be to ensure the immediate safety of the child or any other children affected. Some allegations may be so serious they require immediate intervention by the Police and/or social care and the DSL must inform the Police and/or social care.

Where there is no evidence that a child has been injured, the DSL should in the first instance discuss the allegation with the LADO **within 1 working day** in order to determine whether Police and/or social care involvement is required.

The DSL should not ask the member of staff any questions that will interfere with any criminal investigation until it has been agreed by LADO and Police. The LADO will inform the DSL when and which information can be shared with the subject accused.

The contacts details are:

Organisation: Derby City Council

Telephone number: 01332 642376

The LADO Referral Form (see Appendix 1) should be completed and emailed securely to:

cypsafeguarding@derby.gcsx.gov.uk

If the allegation is not demonstrably false or malicious and there is cause to suspect that a child is suffering or is likely to suffer significant harm, a referral should be made to social care.

Where there is not an identified child, but there is still potential risk to children in general, the LADO together with the school and Police should consider who should conduct any investigation. A strategy meeting may also be necessary to evaluate the information and agree a course of action.

The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis to support the allegation made.

Where it is clear that an investigation by the Police or Social Care is unnecessary, the LADO will discuss with the DSL the next steps. This may range from taking no further action to dismissal. Any decision must be recorded clearly in the personnel file.

Suspension

In some cases it may be necessary to consider suspending the accused until the case is resolved. All options to avoid suspension should be considered unless where:

- There is a cause to suspect a child is at risk of harm or
- The allegation is so serious that it might be grounds for dismissal.

If a suspended person is to return to work, the DSL should consider what help or support might be appropriate eg the provision of a mentor.

Supporting those involved

The DSL should appoint a named representative to keep the subject accused of the allegation informed of the progress of the case. This should not be the investigating officer. The individual should be advised to contact their trade union and should be provided with access to welfare counselling or medical advice.

Parents or carers should be told about the allegation if they do not already know of it. However, if Police or Social Care are involved, the DSL should not speak to parents until those agencies have been consulted. Parents should also be kept informed about the progress of the case and told the outcome eg if substantiated, although they should not be told the outcome of any disciplinary or other internal process.

Confidentiality

Confidentiality should be maintained while the allegation is being investigated or considered. Reporting restrictions prevent the publication of any material that may lead to the identification of a teacher accused. The reporting restrictions apply until the point that the accused person is charged with an offence.

Resignations and ‘compromise agreements’

If the accused person resigns this should not prevent an allegation being followed up. The DSL must make a referral to the Disclosure and Barring Service (DBS) when the criteria is met for dismissal due to the allegation.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate.

Settlement or compromise agreements, by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Historical Abuse

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to consider if the person is currently working with children and if that is the case, to consider whether that employee should be informed.

Information Sharing

Information should be shared at any strategy discussion in connection with the allegation. Where Police are involved, the DSL should ask the Police to obtain consent from the individuals involved to share statements for use in any disciplinary process.

Record keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Timescales

Where it is clear that the allegation is unsubstantiated or malicious, the case should be resolved within one week.

The decision for the need for a strategy meeting should be within 5 days.

Disciplinary or Suitability Process

On receipt of the report of the disciplinary investigation, the DSL and the School Governors should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within **15 working days**.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the School Governors and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

Case subject to police investigation

If the police and/or Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the Principal within three working days of the decision. In those circumstances the Principal and the LADO should proceed as described above.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school and the Headteacher should request this information.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious, should also not be included in any reference.

Allegations against Foster Carers and Prospective Adoptive Parents

Allegations made against foster carers and prospective adoptive parents will be dealt with under this policy. The child's social worker must be informed and a senior manager within the Fostering Service will liaise with the LADO.

Appendix 1



ALLEGATIONS AGAINST STAFF, VOLUNTEERS & CARERS REFERRAL TO LOCAL AUTHORITY DESIGNATED OFFICER (LADO) FORM

You should make a referral to the LADO if there is reasonable cause to believe that a person who works with or has responsibility for children, in connection with his/her employment or voluntary activity, has:

- Behaved in a way that has 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.

See [Working Together to Safeguard Children](#) (2018) and DSCBs Safeguarding Children [Allegations against Staff, Carers and Volunteers procedure](#).

Once completed please return your form marked 'for the attention of the Duty LADO via secure email:

- For Derby email: cypsafeguarding@derby.gcsx.gov.uk
- For Derbyshire email: If emailing DCC to DCC use professional.allegations@derbyshire.gov.uk or if you are emailing from GCSx, GSi, PNN, NHS or PSN network connected email addresses use GCSX.CAYAProfessionalallegations@derbyshire.gcsx.gov.uk

NAME OF PERSON COMPLETING REFERRAL:	
DATE OF REFERRAL:	
WORK ROLE:	
ORGANISATION:	
TELEPHONE NUMBER/S:	

DETAILS OF PERSON OF CONCERN /SUBJECT (if the allegation is about a Head Teacher, please refer immediately to the Chair of Governors)			
FULL NAME:			
DOB:			
HOME ADDRESS:			
WORK ROLE:			
EMPLOYER & WORK ADDRESS:			
TELEPHONE NUMBER:			
WHAT HAS BEEN ALLEGED? Include dates, times, witnesses (where known) etc.			
WHAT IN YOUR OPINION IS THE NATURE OF THE ALLEGED HARM? Please tick which one applies			
Physical	<input type="checkbox"/>	Inappropriate Behaviour (in Work)	<input type="checkbox"/>
Sexual	<input type="checkbox"/>	Grooming	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Images	<input type="checkbox"/>
Conduct (outside work)	<input type="checkbox"/>		
DOES THE SUBJECT LIVE WITH OR HAVE OTHER CONTACT WITH CHILDREN?			
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>			
Details: 			

DOES THE SUBJECT HAVE ANY OTHER OUT OF HOURS, PART TIME PLACE OF EMPLOYMENT/ VOLUNTEERING ROLE WITH RESPONSIBILITY FOR CHILDREN?	
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	
Details:	
ANY PREVIOUS LADO OR CONCERN? Please put dates and outcome if known	
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	
Details:	
ANY OTHER PROFESSIONALS/VOLUNTEERS INVOLVED IN THIS ALLEGATION?	
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	
IF YES, AND FOR DATA PROTECTION PURPOSES, PLEASE COMPLETE SEPARATE REFERRAL	
IF APPLICABLE, FULL DETAILS OF CHILD VICTIM/COMPLAINANT	
NAME:	
DOB:	
ANY DISABILITY?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what is the nature of the disability?
HAS THE CHILD BEEN DISCUSSED BEFORE AS A VICTIM UNDER ALLEGATIONS AGAINST STAFF, CARERS AND VOLUNTEERS PROCEDURES? (Has the child made complaints about staff before?)	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, when and brief details:	
HOME ADDRESS OF CHILD:	

Yes No

If no, give reasons:

If yes, name of your HR person:

Date you referred:

Agreed Action:

4. HAVE YOU INFORMED ANY REGULATORY BODY or OFSTED/CCG/CQC?

Yes No

If no, give reasons:

If yes, who informed and date you referred:

Agreed actions:

Case number, if referral appropriate:

IS THE SUBJECT AWARE OF THE REFERRAL?

Yes No

THANK YOU FOR COMPLETING THIS REFERRAL FORM.

THE LADO WILL SEEK TO RESPOND WITHIN 24 HOURS OF RECEIPT OF YOUR REFERRAL.