



# Community First Academy Trust

## **Allegations of Abuse Against Staff Policy**

**September 2019 to August 2020**

**Community First Academy Trust**

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## **Statement of intent**

Community First Academy Trust takes its responsibility of care for pupils seriously. We will thoroughly investigate allegations of abuse against staff – this will be done in a fair way that does not prejudice either the pupil or the member of staff. Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

The stipulations within this policy apply to all staff and volunteers currently working in school, irrelevant of whether the school is the location of the abuse. Allegations against a teacher who is no longer teaching will be referred to the police, along with any historical allegations.

## 1. Legal framework

- 1.1. This policy has due regard to legislation and statutory guidance including, but not limited to, the following:
  - The Children Act 1989
  - The Education Act 2002
  - The Children Act 2004
  - **[Updated]** The Data Protection Act 2018
  - **[Updated]** The General Data Protection Regulation (GDPR) 2018
  - **[Updated]** DfE (2019) 'Keeping children safe in education'
  - DfE (2018) 'Working Together to Safeguard Children'
- 1.2. This policy should be followed in conjunction with the following school policies and procedures:
  - Child Protection and Safeguarding Policy
  - Behavioural Policy
  - Disciplinary Policy and Procedure

## 2. Definitions

- 2.1. **Significant harm:** This is the threshold where compulsory social care intervention must take place – this was introduced by the Children Act 1989. Harm includes not only ill-treatment (including sexual abuse and non-physical forms of ill treatment), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development.
- 2.2. **Abuse:** Abuse can be either physical, sexual, emotional harm, or a form of neglect. The definitions of different types of abuse are below:
  - **Abuse:** A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children.
  - **Physical abuse:** A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces, illness in a child.
  - **Emotional abuse:** The persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless, unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children.

These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

- **Sexual abuse:** Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, and rubbing and touching the outside of clothing. They may also include non-contact activities, such as involving children in looking at, or the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- **Neglect:** The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

2.3. **Position of trust:** Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

2.4. The following definitions will be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation

- **Unsubstantiated:** there is insufficient evidence to either 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 which supports the allegation being made
- 2.5. **Publication:** Any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.

### 3. Initial allegation made to the school

- 3.1. For the purpose of this policy, '**allegation**' refers to where a member of staff is accused of abusing a pupil.
- 3.2. The headteacher, or the chair of governors if an allegation is made against the headteacher, will be the '**case manager**'. They will be responsible for deciding with the designated officer the course of action of each allegation.
- 3.3. Any allegation of abuse will be reported to the designated officer. Should the initial allegation first be made to any other member of staff, then that member of staff will either request the person raising the allegation to report it to the case manager or, if that is not possible, pass details of the allegation to the designated officer immediately.
- 3.4. Should the allegation be made against the headteacher, it will be brought to the attention of the Chair of Trustees immediately.
- 3.5. Allegations should be reported to the designated officer immediately if a staff member or volunteer 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 that they pose or may pose a risk to children.
- 3.6. Where the allegation is extremely serious, e.g. where a pupil's life may be in danger, immediate intervention by the police or children's social care services will be required.
- 3.7. Allegations will be investigated in a fair and consistent way that provides effective protection for the child and, at the same time, supports the staff member or volunteer who is the subject of the allegation. **A discussion with Local Authority Designated Officer (LADO) may be also appropriate to seek advice.**

### 4. Initial consideration

- 4.1. The case manager will discuss the allegation with the designated officer, providing details of the allegation and the circumstances in which it was made.

The discussion will also consider whether there is evidence or information that establishes whether the allegation is false or unfounded.

- 4.2. The case manager and designated officer will take into account the right of staff to use reasonable force when dealing with instances of physical contact, such as disruptive behaviour, when considering allegations.
- 4.3. Where there is no likely involvement of the police or child social care services, the case manager will inform the accused person about the allegation as soon as possible after consulting with the designated officer – as much information as possible will be shared with the accused. The case manager may also seek advice from the relevant **LADO**.
- 4.4. Where there is involvement of the police or child social care services, or a strategy discussion is required, the case manager will consult with them before disclosing any information with the accused.
- 4.5. If the allegation **is not** clearly false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the designated officer will immediately refer it to LA children's social care or police and ask for a strategy discussion, in accordance with 'Working Together to Safeguard Children', to be convened straight away. In those circumstances, the strategy discussion will include the designated officer and the case manager and the in some scenarios **LADO**.
- 4.6. If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the designated officer will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the school, LADO and any other agencies involved with the child.
- 4.7. If the initial sharing of information and evaluation leads to no further action being taken, the decision and justification for it will be recorded by both the case manager and the designated officer. An agreement on what information should be put in writing to the individuals concerned and any follow-up actions will also be reached **in discussion with the LADO**

## **5. Action following initial consideration**

- 5.1. All allegations will be investigated without delay and they will be resolved as quickly as possible.
- 5.2. Where the case manager and designated officer (inc. LADO) decides that the allegation does not involve a possible criminal offence, the designated officer will deal with it.
- 5.3. If the nature of the allegation does not require formal disciplinary action, the case manager will institute appropriate action.
- 5.4. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within **15 working days**.

- 5.5. Where further investigation is required, the case manager and designated officer will discuss who will undertake the investigation and how it will be conducted.
- 5.6. The investigating officer aims to provide a report to the case manager within 10 working days.
- 5.7. On receipt of the report of the investigation, the case manager will consult the designated officer and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed, it will be held within **15 working days**.
- 5.8. The designated officer will take on board any recommendations made by children's social care services or the police with regard to any disciplinary action required.
- 5.9. The school aims to resolve 80 percent of cases within one month of receiving the allegation, 90 percent within three months, and all but the most exceptional cases within 12 months.
- 5.10. The designated officer will continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.
- 5.11. The school will not consider suspension as a default position: the case manager and designated officer (**LADO advice**) will attempt to find alternative outcomes for the accused before they are suspended. Outcomes may include:
  - Redeploying the member of staff within the school to avoid direct contact with the pupil.
  - Providing an assistant to be present when the individual has contact with pupils.
  - Redeploying the individual to alternative work so they do not have unsupervised access to pupils.
  - Moving the pupil to different classes so that they do not come into contact with the accused member of staff, making it clear that this is not a punishment.
  - Temporarily redeploying the accused to another role in a different location.

## **6. Cases where crimes may have been committed**

- 6.1. If there is no cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the designated officer will immediately inform the police, **LADO** and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the school.
- 6.2. Where the involvement of children's social care services is not required, as the pupil is not assessed to be at risk of significant harm, but a police investigation continues, the designated officer will agree with the police, **LADO** the school



and any other agency involved with the child, the nature of the allegation and how this must be addressed.

- 6.3. This joint evaluation discussion must take place within one working day of the referral and must consider how to progress enquiries, e.g. a criminal process parallel with a disciplinary process, or whether disciplinary action needs to be suspended until police enquiries/prosecution are completed.
- 6.4. These investigations must be reviewed by the police no later than four weeks after the joint evaluation discussion has concluded and, thereafter, at fortnightly or monthly intervals, depending on the complexity of the case.
- 6.5. If the police and/or the Crown Prosecution Service (CPS) decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police will pass all information they have which may be relevant to a disciplinary case to the school without delay. In those circumstances, the case manager will deal with the case in consultation with the designated officer.
- 6.6. If the person is convicted of an offence, the police will also inform the employer straight away so that the appropriate action can be taken.

## **7. Allegations which are likely to necessitate an immediate referral to children's social care services or the police**

- 7.1. The following situations will require immediate referral to children's social care services or the police:
  - Where the pupil has suffered, is suffering, or is likely to suffer significant or serious harm
  - Where the pupil alleges that a criminal offence has been committed
  - Any allegation of a sexual nature
- 7.2. The case manager is aware that some other complaints may also be regarded as child protection issues and, therefore, each complaint will be carefully considered in consultation with the designated officer before taking any action.
- 7.3. Where allegations of the above are referred to children's social care services, subsequent action will be in accordance with local safeguarding arrangements.

## **8. Suspension**

- 8.1. The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, that will require the school to consider suspending the person until the case is resolved.
- 8.2. Suspension is not an automatic response when an allegation is reported. If the school is concerned about the welfare of other children in the community or the staff member's family, those concerns will be reported to the designated officer

LADO or police, but suspension is highly unlikely to be justified based on such concerns alone.

- 8.3. Suspension will only be considered in a case where there is cause to suspect a child or other children at the school is or are at risk of harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal; however, a person will not be suspended automatically, or without careful thought being given to the particular circumstances of the case.
- 8.4. The school will consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved, and may wish to seek advice from the personnel adviser / LADO.
- 8.5. The school will also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will, however, depend upon the nature of the allegation.
- 8.6. The school will consider the potential permanent professional reputational damage to members of staff that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.
- 8.7. Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving the reasons for the suspension. The person will be informed at that point who their named contact is within the school and provided with their contact details.
- 8.8. Children's social care services LADO or the police cannot require the school to suspend a member of staff or a volunteer, although the school will give appropriate weight to their advice.
- 8.9. The power to suspend is vested in the head of school, Headteacher, head of school or the executive team / governing board, who are the employers of staff at the school.
- 8.10. In certain circumstances, where a strategy discussion or initial evaluation concludes that there should be enquiries by children's social care services and/or an investigation by the police, the designated officer will canvass LADO police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children to inform the school's consideration of suspension.
- 8.11. A risk assessment is carried out for each individual case to determine whether the member of staff should be suspended. The assessment takes into account the context of the allegation, background information in relation to the member

of staff, and any outcome following the strategy meeting. It also takes into account whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension. The assessment is recorded, and a copy kept on file.

## **9. Strategy meeting**

- 9.1. A strategy meeting will be convened within one working day of the referral being made and chaired by the child protection and review unit.
- 9.2. The designated officer and all relevant personnel including, where appropriate, the case manager (or nominated representative) and the Trust HR Director, will attend this meeting in order to share information and participate in the planning of any enquiries.
- 9.3. The strategy meeting will be conducted in accordance with local safeguarding arrangements.
- 9.4. The purpose of the strategy meeting is to:
  - Consider the risk to the pupil directly involved and other pupils.
  - Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
  - Determine the need for investigation and who is responsible for carrying it out.
  - Plan the investigation/enquiries and set timescales for tasks to be undertaken.
  - Consider whether any other children are affected by the allegations, e.g. the person's own children, grandchildren, or other children in the agency setting such as children placed with foster carers, childminders or youth clubs.
  - Ensure that the person who is the subject of the allegation is kept informed and supported.
  - Decide how regular information and support will be provided to the child and family and by whom.
  - Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation (section 47 enquiry) and disciplinary processes.
  - Consider the need to inform relevant parties.
  - Jointly consider how to manage any media interest.
  - Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with pupils; this may change as the investigation progresses and should be reviewed regularly.
  - Consider the appropriate course of action if the allegation is against a governor, a temporary member of staff or a supply teacher.

## 10. Attendance

- 10.1. An LA social worker, LADO health practitioners and a policy representative will be involved in the strategy discussion. A representative from the school will also attend.
- 10.2. The member of staff who is the subject of the allegation will not be invited to attend the meeting; however, the strategy meeting will agree when and how the member of staff will be informed.
- 10.3. The minutes of the strategy meeting will be circulated by the chair of the meeting to relevant parties.

## 11. Communication following the strategy meeting

- 11.1. The following people will be informed of the outcome of the strategy meeting:
  - The pupil making the allegation and their parents will be informed of the likely course of action and that the matter is confidential and must not be discussed.
  - The member of staff against whom the allegation has been made will be informed of the likely course of action – a record will be kept on the individual's personnel file.
  - The chair of trustees will be informed of the likely course of action.
  - LADO if appropriate
- 11.2. Subsequent strategy meetings will be held fortnightly, or at a minimum monthly, to review progress.

## 12. Monitoring progress

- 12.1. The designated officer will regularly monitor the progress of cases, either by reviewing strategy meetings or by liaising with the police LADO and/or children's social care services colleagues or the school, as appropriate.
- 12.2. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

## 13. Referral to DBS

- 13.1. If, on conclusion of the case, the school ceases to use the person's services against whom the allegation was made, or the person ceases to provide their services, the school will consult the designated officer LADO about whether a referral to the DBS is required. If a referral is appropriate, the report will be made within one month.
- 13.2. The school will make a referral to the DBS where there is reason to believe that an individual has engaged in conduct that has harmed, or is likely to harm, a child, or if a person otherwise poses a risk of harm to a child. This duty applies

to all individuals, irrelevant of whether they are working in regulated activity or not.

- 13.3. Referrals to the Teaching Regulation Agency (TRA) are also made where appropriate.

## 14. Keeping records

- 14.1. A clear and comprehensive record of any allegation is made even if police or disciplinary action is not taken or proven. This includes details of the allegation, how the allegation was followed up and resolved, and a note of any action taken, including any sanctions imposed. **Shared with LADO who may record on their system for future reference.**
- 14.2. The record will be kept on the member of staff's confidential personnel file.
- 14.3. If an allegation is found to be malicious, it will be removed from the staff member's personnel file – all other allegations will be recorded.
- 14.4. The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the school.
- 14.5. It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS, if requested, due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction.
- 14.6. The record will be retained until normal retirement age or for 10 years from the date of the allegation; whichever is longer.
- 14.7. The school is required to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse, for the term of the inquiry.

## 15. Confidentiality

- 15.1. Every effort is made to maintain confidentiality and guard against unwanted publicity whenever an allegation is made.
- 15.2. The case manager will have due regard to advice given by the designated officer, **LADO** police or children's social care services to agree to the following:
- Who needs to know about the allegation and what information can be shared
  - How to manage speculation, leaks and gossip
  - What, if any, information can be reasonably be given to the wider community to reduce speculation
  - How to manage the press and any media coverage

- 15.3. The school will adhere to the restrictions preventing publication of any material that may lead to the identification of a teacher in a school who has had an allegation made against them. A statement will be released if the accused decides to waive their right to anonymity by going public themselves or by giving written consent for another to do so.
- 15.4. If the judge lifts the restrictions, the school will release a statement.
- 15.5. Publication of the case will only be made when the accused has been charged or the Secretary of State publishes information about the investigation.
- 15.6. The publication of material that may lead to the identification of the accused is prohibited.
- 15.7. Any enquiries from the press will be directed to the chair of trustees, unless it is a freedom of information or subject access request, in which case the school, Director of HR or the Trust Legal Team will be contacted.

## **16. False and unsubstantiated allegations**

- 16.1. If an allegation made by a pupil is proved to be false, unsubstantiated and/or malicious, action will be taken to determine whether the person who made the allegation needs services or may have been abused by someone else.
- 16.2. In the case of a pupil deliberately inventing or making a malicious allegation, the case manager will consider action in accordance with the Behavioural Policy and whether the police should be asked if action may be appropriate against the person responsible.
- 16.3. If it is clear to the case manager and the designated officer that the allegation is demonstrably false or unfounded, the member of staff will be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.
- 16.4. Where appropriate, and if requested, support will be offered, which could include occupational health and counselling services.
- 16.5. If an allegation made by a member of staff is proved to be false and/or malicious, an investigation will take place in accordance with the school's Disciplinary Policy and Procedure. The police may also consider taking action against the individual making the allegation.
- 16.6. Details of allegations that are found to have been malicious will be removed from the staff member's personnel file.
- 16.7. Allegations that are proven to be false, unsubstantiated or malicious will not be included in references.

## **17. Learning lessons**

- 17.1. Where an allegation has been made against a member of staff, lessons can be learned, whether the allegations are proven or not. At the conclusion of a case, relevant parties will discuss what can be learned and, therefore, lead to improved practice, either to the school procedures or to help prevent similar events in the future. The designated officer and the case manager will review the case.

## **18. Information sharing**

- 18.1. In a strategy meeting or initial evaluation of the case, the agencies concerned will share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim.
- 18.2. Staff attending the strategy meeting will be prepared with the appropriate information, e.g. full name, address, when their latest DBS check was completed, start date, involvement in youth activities, children of their own, and any other information that could be helpful.
- 18.3. As per procedures, the police will obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This will be done as their investigation proceeds rather than after it has concluded. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
- 18.4. Children's social care services adopt a similar procedure when making enquiries to determine whether the pupil named in the allegation needs protection or services, so that any information obtained in the course of those enquiries, which is relevant to a disciplinary case, can be passed to the school without delay.

## **19. Resignations and 'compromise or settlement agreements'**

- 19.1. The fact that a person tenders their resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.
- 19.2. Every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including where the person concerned refuses to cooperate with the process.
- 19.3. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it.
- 19.4. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated, will continue even if representations cannot be given or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if the accused's notice

period expires before the process is complete, but it is important to reach and record a conclusion wherever possible. **LADO kept informed and may record information or follow up separately.**

- 19.5. 'Compromise' or 'settlement agreements' will not be used in cases where the accused refuses to cooperate or resigns before their notice period expires – this will not prevent a police investigation if necessary.
- 19.6. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate, nor can it override the statutory duty to make a referral to the DBS or the TRA where circumstances require that.

## **20. Supporting those involved**

### **Supporting the accused**

- 20.1. The school has a duty of care to its employees and will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is vital to fulfilling this duty.
- 20.2. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police.
- 20.3. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.
- 20.4. The accused will be given access to welfare counselling or medical advice.
- 20.5. The school will appoint a named representative to keep the accused informed of the progress of the case and consider what other support is appropriate for the individual; this may include occupational health.
- 20.6. Particular care will be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.
- 20.7. Social contact with colleagues and friends is not prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

### **Supporting parents**

- 20.8. Parents involved with an allegation will be kept informed about the case; however, where a strategy discussion is required, or the police or children's social care services need to be involved, the case manager will not inform them until those agencies have been consulted and have agreed what information can be disclosed.
- 20.9. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.



- 20.10. The deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed, but the parents of the child will be told the outcome in confidence.
- 20.11. In deciding what information to disclose, careful consideration will be given to the provisions of the GDPR and the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.
- 20.12. Parents will be reminded of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing.

#### **Supporting the child**

- 20.13. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services or the police will consider what support the child or children involved may need.

## **21. Monitoring and review**

- 21.1. This policy is reviewed annually by the Board of Trustees.
- 21.2. The scheduled review date for this policy is September 2020.

## **Appendix 1 – Information Guide for Employees Facing Allegations**

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that that you have:

- Harmed a pupil or put a pupil at risk of harm.
- Committed a criminal act towards a pupil.
- Behaved in a way that raises concern about the risk you may pose to children or young people.

### **1. Initial action**

As soon as possible after the allegation is made, the case manager should consult the designated officer to discuss the next action points, taking advice from children's social care services and the police as needed. The police may advise that you are not told about the allegation immediately.

The case manager's decision in consultation with the designated officer will be one, or a combination of, the following:

- a. The pupil is alleged to have suffered, or is likely to suffer, significant harm which requires immediate referral to children's social care services.
- b. A criminal offence is alleged – this requires referral to children's social care services and the police.
- c. The allegation represents poor or inappropriate behaviour – this should be considered under the school's disciplinary and/or capability procedures, including referral, if appropriate, to the school's occupational health advisor.
- d. The allegation is clearly and demonstrably without foundation and no further action will be taken.

If the conclusions of the initial discussions are a. or b., a strategy discussion should take place involving police, children's social care services, the case manager, designated officer and the trust HR Director. You should not be present. The discussion will focus on the needs of the pupil(s) who may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures.

If the initial discussions conclude the situation is as outlined in c., an investigation will be initiated under the school's disciplinary and/or capability procedures.

If the conclusion is as outlined in 'd'. you should be told orally and in writing that the allegation is without foundation and that no further action will be taken.

### **2. Types of possible investigation**

The types of investigation that may be undertaken are:

- Child protection inquiries by children's social care services.
- Criminal investigation by the police.
- Disciplinary/capability investigation.

A disciplinary investigation will usually be held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

### **3. Suspension**

Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the strategy discussion, and should only occur when the known facts relating to the allegation indicate:

- A pupil may be at risk.
- The allegation is so serious that dismissal for gross misconduct is possible.
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Alternatives to suspension will be considered, e.g. leave of absence, transfer of duties, additional supervision.

Where suspension is being considered, an interview with you will normally be arranged. You have the right to be accompanied by a trade union representative or a colleague. You are advised to seek the assistance of your union representative. If you are suspended, one of their roles will be to promote your interests and raise issues that may be of concern to you.

The interview is not an examination of the evidence, but an opportunity for you to make representations concerning possible suspension.

Other people, including other staff, should only be told about the allegation on a 'need-to-know basis'. Notification may be delayed if the police think this could prejudice an investigation.

Those who will be told of the allegation and likely course of action include you, the pupil concerned, their parents, the person making the allegation, your manager, the case manager, school Trust HR Director, the designated officer and the investigating agencies as above.

If you are suspended, those persons likely to be on a disciplinary panel, if convened, will be given limited information so any future disciplinary process is not prejudiced. If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

### **4. Support**

You should expect to be:

- Advised to contact your union representative.
- Given a support contact within the school who should keep you up-to-date with the progress of your case.
- Given a team contact, if you are suspended, who will update you about normal school activities. Social contact with colleagues should not be precluded unless this would be detrimental to the investigation. The type of information and

frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation.

- Offered access to staff counselling service and/or occupational health support.

This may be a stressful time, so in addition to contacting your union representative, you are advised to see your GP if you think your health may be affected.

**WIGAN CHILDREN & YOUNG PEOPLE'S SERVICE**

**LADO Threshold Document 2018**

<i>Indicators Matrix LADO= Tiers 1-4</i>			
<b>Tier 1: Incident that does not need LADO input but may be a conduct issue.</b>	<b>Tier 2: Incident which might require logging with LADO but will be 'No Further Action'</b>	<b>Tier 3: Incident which requires consideration of referral to other agency such as police or Ofsted</b>	<b>Tier 4: incident which requires immediate suspension/ police referral/ arrest/ immediate action to protect child.</b>
<p>Complaint made by parent or carer or comment made by child that does not seem to have any corroborating evidence. There is no injury seen, or witness accounts do not corroborate the allegation, the manager is confident this does not meet the threshold for a referral but is intending to investigate further.</p> <p>In such cases the relevant manager may wish to have a consultation discussion with the LADO, and both can make a record of the discussion and agree it will be dealt with internally, in case further information comes to light to question why no formal LADO referral was made. However no names will be used as this does not meet the threshold for a record about a named person to be kept.</p>	<p>Member of staff alleged to have acted or reacted in a way considered inappropriate but not harmful; parental or child complaint about such an incident, to outside agency eg. Ofsted, who have referred to LADO for further enquiries; allegation made but manager believes at this point they can deal with this internally and are checking with LADO for information only.</p> <p>This category also includes volunteers and professionals where there are domestic issues which have led to Social Care Involvement but the matter has not progressed to Child Protection. LADO may advise them to inform their employer in order to seek additional support.</p> <p>These are incidents where an</p>	<p>Allegation made which meets the threshold for referral to LADO under Wigan Safeguarding Children's Board (WSCB) Policies and Procedures. It appears in the first instance to meet the threshold for a referral to the police.</p> <p>Such cases may not always involve serious injury to a child but present as a breach of the position of trust the professional or volunteer was in.</p> <p>A proportion of these types of referral may result in a 'no crime' outcome from police, but the allegations process must be followed as the referring information met the threshold.</p> <p>Sometimes these referrals do not immediately appear to have a criminal element but the reported actions mean that a regulatory body</p>	<p>Allegation made with credible corroborating evidence, where a child has been injured or harmed.</p> <p>Behaviour by the professional or volunteer which is deemed to be extremely concerning towards the children they are caring for and requires immediate suspension.</p> <p>Allegation by a member of the professional/volunteer's family which is so serious it requires immediate consideration by employer.</p>

<p>This will be recorded as a <b>Consultation.</b></p>	<p>escalation to a police referral would be considered a disproportionate response.</p> <p>These cases are likely to meet the threshold for a confidential record to be kept by the LADO, with the knowledge of the person concerned.</p>	<p>such as Ofsted, or the National Council for Teaching and Leadership, or HCPC, will need to be informed.</p> <p>It is essential in these cases that there is a clear outcome and this is communicated to the professional/volunteer. These referrals can result in a note on future DBS checks and could have an impact on the professional/volunteer's future career.</p> <p>Parents whose child are subject to a child Protection Plan and are employed working with children, a LADO referral is required.</p>	
<p><b>Physical abuse</b></p>			
<p><b>Examples could be: child objecting to a sanction imposed in school, describing an event to parent who then comes in to complain about how their child says they have been treated; but does not have all the information.</b></p> <p><b>Young person in children's home involved in a confrontation and making accusations where there were several witnesses and there is an incident report that appears to</b></p>	<p><b>Examples could be: child accusing teacher of pushing them, when it appears they were being guided away from a situation (covered by 'Use of Reasonable Force' DfE 2013).</b></p> <p><b>Nursery worker seen by parent to be pulling a child away from a situation, parent considers this is done roughly but professional claims it was to remove child from a confrontation where they may have</b></p>	<p><b>Examples could be a credible disclosure by a child or young person that uses the word 'hit' or 'hurt'; yet there is no injury seen and no corroborating evidence of child's account.</b></p> <p><b>Restraint that has caused an injury to the person being restrained.</b></p> <p><b>An incident witnessed, where there is a physical exchange between staff and child or young person. It is</b></p>	<p><b>Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer.</b></p> <p><b>Incident within the professional/volunteers home life that is of high risk and high level of concern.</b></p>

<p>refute the child's account that they were harmed.</p> <p>An allegation that is made second or third hand and facts are not clear, or the professional alleged to have done this was not there at the time; or there is confusion about the account.</p>	<p>been harmed/ may have harmed another child.</p>	<p>unclear whether self defence or retaliation was involved. The matter needs full investigation.</p>	
<p><b>Sexual abuse</b></p>			
<p>A school girl telling a friend, who tells the teacher, that another teacher 'makes her feel funny when he looks at her' but no other concerns or complaints expressed.</p>	<p>A professional or volunteer makes an inappropriate remark that appears on the surface to be naive rather than potentially grooming, or acts in a way that could be deemed unprofessional.</p>	<p>A very young child still requiring personal care/ nappy changing, indicates that a nursery worker touched him/her in the genital area</p> <p>A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with.</p>	<p>Professional or volunteer arranging to meet young person outside the work environment and asking them not to tell anyone; or making inappropriate contact through social media with sexual overtones.</p>
<p><b>Emotional abuse/ neglect</b></p>			
<p>A child with a history of challenging behaviour, alleging s/he feels bullied by a well respected member of staff.</p> <p>Concerns that family members of the professional or volunteer may</p>	<p>Teacher under stress who is heard to shout inappropriately at the children one day towards the end of term.</p> <p>Childminder witnessed to ignore children crying and speak rudely to</p>	<p>A foster carer where there have been several complaints about poor practice and standards of care; children in their care who are not always clean or appropriately dressed, or seen to be treated in a way that causes concern to</p>	<p>Making racist or derogatory remarks to a child or young person in the presence of witnesses.</p>

be involved in criminal activity.	them, but further context not known.	observing professionals.	
<b>Suggestion actions.</b>			
<p>Managers to investigate further to satisfy themselves this matter does not meet the threshold for a referral outside the organisation, and identify any appropriate actions and LADO is to be informed of the final outcome in order to end the Consultation process.</p>	<p>Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light. If no further information is discovered, offer words of advice/ training and make a record of this on the professional or volunteer's HR file.</p>	<p>Full referral to LADO and consideration of what actions are required under the procedures. This may or may not include referral to police.</p>	<p>Full referral to LADO and consideration what actions are required under the procedures. This will include referral to police.</p>