

PROCEDURE TITLE: Managing Allegations of Abuse Against A Member of Staff

STATUS: Statutory

DATE of REVIEW: July 2019



1. Introduction

This guidance is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of staff in a school (including a volunteer, or person with expressed permission to be on the premises) 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 he or she is unsuitable to work with children.

2. Principles of this guidance

The Latimer Arts College recognises the importance of having procedures for dealing with allegations, and takes on board the recommendation of DfE document Keeping Children Safe in Education and seeks to give all staff and volunteers an understanding of what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff.

This procedure and guidance make it clear that:

- All allegations should be reported as soon as they become apparent – in the first instance to the Principal or in the case of the Principal reported to the Chair of Governors;
- All staff at the College will maintain confidentiality, and every effort will be made to guard against unwanted publicity. The College will not publicise information regarding the allegation. If staff are contacted by the media, they will refer all enquiries to the Principal;
- It is in everyone's interest to resolve cases as quickly as possible;
- Investigations will be fair and thorough;
- The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

3. Communicating the Procedures

- All members of the senior leadership team and the designated safeguarding lead with responsibility for child protection have a responsibility to ensure that all staff know about and understand paragraph 2 above.
- In accordance with the DfE Statutory Guidance, all staff should also read at least Part one of ***Keeping Children Safe in Education***, which contains Safeguarding information for all staff.
- All members of the senior leadership team and the designated safeguarding lead have a responsibility to be familiar with the Statutory Guidance in its entirety.

4. Application

This procedural guidance applies to all members of staff at the College including those with express permission to be on the premises. The Principal will normally have overall day-to-day responsibility for dealing with allegations of abuse. Where the Principal is accused, or a concern is identified, this shall be the responsibility of the Chair of Governors.

In the event that an allegation or concern is raised against a member of the Governing Body, advice should be sought from the Governor Services provider for the College.

5. Consideration of an allegation

An allegation may require consideration from any of the following inter-related perspectives:

1. A police investigation of a possible criminal offence;
2. Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services; this can be in respect of:
 - a) the child on whom the allegations centre;
 - b) any other children the alleged perpetrator has contact with;
 - c) the alleged perpetrator's own children.
3. Consideration by the College of disciplinary action in respect of the individual;
4. Complaints Procedures: consideration by the College via a parent in respect of an individual.

Some cases will also need to be reported to DCSF by the Children's Services Authority for consideration of including the person on List 99.

It is important to ensure that even allegations that appear less serious are followed up and taken seriously, and that someone independent of the College, examines them objectively. As a consequence, the Local Authority (LA) designated officer(s) (LADO) will be informed immediately of all allegations that come to the College's attention.

The LADO will discuss the allegation with the Principal (or Chair of Governors) to confirm details of the allegation and establish that it is not demonstrably false or unfounded. This information sharing will be, in the first instance, on an informal basis.

The LADO and the Principal will make an informed decision regarding the necessity of any further action: For example, if there is a need for a formal strategy meeting, who needs to be made aware of the allegation i.e. Chair of Governors, parents or the accused.

Each case brought to the LADO may be different and therefore may result in a different process taken.

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, or a possible criminal offence might have been committed the LADO will immediately request that a strategy meeting should be convened straight away.

The Principal, after discussion with the LA designated officer, should inform the accused person about the allegation as soon as possible. Where a strategy discussion is needed, or police or children's social care may need to be involved, the Principal will be advised not to do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.

6. Strategy Meeting

The Local Safeguarding Children's Board, (LSCB) strategy meeting will be convened when an allegation is made against an individual who works with children. This meeting will include senior representatives from Health, Police, Children, Young People and Learning Directorate, Human Resources, Legal Services as well as the Principal or the line manager of the accused.

The strategy meeting will focus on the suspected or actual risk to children posed by the adult about whom there are concerns or allegations made. In a strategy discussion or the initial evaluation of the case, the agencies concerned will share all relevant information they have about the person who has made the allegation and about the accused member of staff.

An agreement will be reached in the strategy meeting regarding who will carry out an investigation and how this will take place, if it is deemed necessary. This will include consideration of the need to undertake:

- a) A child protection investigation;
- b) A criminal investigation;
- c) A fact finding or disciplinary investigation;
- d) A fact finding under the complaints procedure.

Considerations will be given to whether the accused member of staff needs to be suspended from contact with children. Considerations will be given, if necessary, to the relevant support mechanisms, for the child or children and the accused member of staff. Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for The Latimer Arts College to take action in line with its disciplinary procedures.

Review dates will be scheduled to monitor the progress of the case.

7. Communication during the investigation of an allegation

The Principal will ensure that the parents or carers of a child or children involved are informed about the allegation (if they are not already aware of it) as soon as possible after discussing the allegation with the LADO.

The parents will be kept informed by the Principal about the progress of the case, where there is not a criminal prosecution, although the specific outcome of any disciplinary procedures will not be shared.

The Principal will also keep the accused member of staff informed of the progress of the case and consider what other support is appropriate for the individual. A criminal investigation may result in communication directly from the police. The LADO will discuss with the Principal how best to inform the individual of any updates.

8. Suspension

At any stage throughout the process, the accused member of staff may be suspended, without prejudice, on full pay from work, whilst further investigations take place. For example, where:

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

The Principal should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. If suspension is determined, The College's Disciplinary Policy should come into action and HR advice should be sought.

9. Conclusion of a case

The outcome of the process will be shared with the parents of the child or children concerned after taking advice from the LADO. The employee will be made aware of the outcome and any action points agreed as a result of the investigation. The LADO will discuss with the Principal whether the Children's Services Authority will make a referral to DCSF for consideration of List 99 action and the form and content of a referral. Where, on conclusion of an investigation, it is decided, that a person who has been suspended can return to work, the Principal will consider how best to facilitate that. Any pertinent points from the investigation will be shared with the Chair of Governors in order to facilitate an action plan.

Following any disciplinary action, a comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on a person's confidential personnel file at The Latimer Arts College, a copy of which will be provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on.

Information will also be held on a database that can only be accessed by the LADO. The database will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. This course of action will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will show what action was taken, and if appropriate that the allegation was unfounded. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation whichever is longer.

10. Timescale

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.

11. Confidentiality

All allegations will be treated seriously and with discretion. Proceedings and records in connection with the allegation will be kept as confidential as possible, but employees must appreciate that formal investigations cannot always be kept on an entirely confidential basis.