



## MANAGEMENT OF ALLEGATIONS OF ABUSE AGAINST ADULTS WORKING WITH CHILDREN IN SCHOOLS

**Chair's signature Mrs E Surtees**

**Head's signature Mr M Tipple-Johnson**

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***Leicester City Schools are committed to safeguarding and promoting the welfare of children and young people.***

Leicester City Council adopts the framework for managing cases of allegations of abuse against people who work with children and young people from the Government guidance: *“Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children”* (2006, revised 2010), in accordance with the statutory requirements of the Children Act 1989 and Children Act 2004.

### **Introduction**

It is essential that any allegation of harm or unsuitable behaviour made against a teacher or other member of staff/volunteer in an education setting is dealt with quickly and consistently in a way that

provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

## **Scope**

This Policy/Procedure applies to anyone working with children and young people who has had an allegation made against them that they have:

- behaved in a way that has harmed, or may have harmed, a child;
- possibly committed a criminal offence against or in relation to a child;
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

This Policy/Procedure may also apply where relevant concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.

## **Procedure**

The Procedure followed by the school will be informed by the professional judgement of the Headteacher/Principal based on the evidence available, and after consultation with the Local Authority Designated Officer (LADO), Human Resources and the Chair of Governors.

### **Responding to an allegation or complaint –**

The Headteacher/Principal (or Assistant Headteacher where appropriate) is the member of staff who **responds** to an allegation or complaint.

The person receiving the information will report the matter immediately to the school's Headteacher/Principal (or Assistant Headteacher where appropriate) or, where the allegation involves any of these, the Chair of Governors.

A member of staff receiving information regarding an allegation should not question the child or investigate the matter any further. They will:-

- treat the matter seriously, avoid asking leading questions and communicate with the child in a manner appropriate to the child's understanding and communication style;
- make a written record of the information, where possible in the child's own words stating when the alleged incident took place, who was present and what was alleged to have happened;
- the record must be signed and dated;
- the person receiving the information will report the matter immediately to the Assistant Headteacher/Principal. Where the allegation involves the Headteacher/Principal, the information should be reported to the Chair of Governors.

**The person to whom the matter is reported will become the Senior Designated Manager (SDM) until the allegation is resolved. The SDM will inform the Chair of Governors of the allegation.**

## **Initial Action by SDM**

The SDM will NOT investigate the matter by interviewing the accused, the child making the allegation or any of the potential witnesses.

They will:-

- obtain written details of the allegation, signed and dated by the **person receiving** the allegation or complaint;
- countersign and date the written details;
- record any other information about times, date(s) and location(s) of any incidents and the names of any potential witnesses.

If the allegation meets any of the criteria outlined above, the SDM will report it to the Local Authority Designated Officer (LADO) within one working day for consideration around thresholds and whether to report to Police and Social Care for investigation. Referral to the LADO will NOT be delayed in order to gather further information. Immediate harm or injury should be reported directly to Social Care and the Police, who will refer onto the LADO.

The SDM and the school will co-operate with all relevant authorities and will share all relevant information about the person subject to the allegation and the alleged victim to assist in any further investigation.

### **Informing Accused Person**

The Headteacher/Principal will inform the accused person of the allegation as soon as possible ***after prior consultation with the LADO.***

The Headteacher will advise the member of staff to seek support from his/her Professional Association or Trade Union and will remind the member of staff about access to the Employer Helpline. The Headteacher will provide the individual with a copy of the Leaflet: 'Information for Employees and Volunteers regarding the Handling of Allegations of abuse against Adults who work with Children' ([Appendix 1](#)).

Seeking guidance from the LADO, the Headteacher and Chair of Governors will consider carefully whether the circumstances of the case warrant interim safeguarding arrangements, for example, an immediate suspension of the person involved from contact with children until the allegation is resolved. Any suspension will be on full pay. The ongoing appropriateness of safeguarding arrangements will be reviewed as enquiries progress.

### **Supporting Those Involved**

After discussion with the LADO as to the most appropriate way this should be done and by whom, parents or carers of a child or children involved will be told about the allegation as soon as possible (if they do not already know of it). In cases where a child has been injured whilst in the school's care, the parents will be informed immediately.

At all times the school will liaise with appropriate agencies, and ensure that agreed support is put in place for the child or children involved

A nominated school representative will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the

individual. If the person is a member of a union or professional association s/he will be advised to contact that body at the outset. Appendix 1 provides information for staff who are facing an allegation of abuse against a child.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated and/or considered.

### **Record Keeping**

The school will keep details of any allegations made and how the allegation was followed up and resolved. These records will be kept until the person reaches normal retirement age, or 10 years if that is longer, including for people who leave the school's employment. A copy will be given to the person. The purpose of the record will be to enable accurate information to be given in response to any future request for a reference and to provide clarification for future CRB disclosures.

### **Outcomes**

If, after initial consideration between the SDM and the LADO, it is clear that police or social care investigations are not necessary, the school will be guided by the LADO as to the most appropriate action.

The nature and circumstances of the allegation and evidence will determine the next course of action. If the nature of the allegation does not require formal disciplinary action, appropriate action will be instituted within 3 working days.

If a disciplinary hearing is required and can be held without any further investigation, the hearing will be held within 15 working days. Subsequent procedures, as outlined in the Leicester City Council Disciplinary Procedures, will be followed.

### **Actions in response to a false or unfounded allegation**

1. Where a child/children has/have made an unfounded allegation, the Headteacher will refer the matter to Children's Social Care for consideration of an initial assessment.
2. Where an adult has made an unfounded allegation, the Headteacher will seek further guidance from Human Resources.
3. In the event of an allegation being found to be a malicious act (child or adult), the Headteacher will refer the matter to the police and take disciplinary action.

All of the above should be reported to LADO

## **APPENDIX 1**

## Safer Employment Team



### Information for Employees and Volunteers regarding the Handling of Allegations of Abuse against Adults who work with Children

This leaflet is designed to assist you if you are facing an allegation of abuse against a child.

Any allegation is inevitably difficult and distressing for everybody involved. This leaflet gives an explanation of the process that will be followed, and of the information and support you can expect to receive. Some of the information contained in this leaflet only applies to employees, not volunteers: where this is the case, this is clearly indicated. Please note that the term 'manager' could apply to your line manager, your Headteacher/Principal or another relevant manager within the school or service in which you work/volunteer, and the expressions 'child' and 'children' are used to refer to both children and young people.

**What is an 'allegation'?** An 'allegation' refers to any information or concern which suggests an adult 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 s/he is unsuitable to work with children.

An allegation can arise in connection with your work, your own children or other children living outside the family, and can relate to a current or historical concern. An allegation can be made in a number of ways:

- Directly by the child in person;
- Indirectly, for example by friend/s of the child;
- Complaint from a parent/carer to a Headteacher/Principal/Manager, Children's Social Care or the Police;
- Report from a colleague or another agency;
- Anonymously.

**What happens when an allegation is made?** All allegations are taken seriously and acted upon. The management of allegations sits within an effective cycle of good practice which exists both to protect children and those who work with them.

When an allegation is made, a senior manager/Headteacher/Principal will refer to the Local Authority Designated Officer\* (LADO), who is based in the Social Care and Safeguarding Division

and has overall responsibility for the management of allegations. Together they will consider the nature, content and context of the allegation and agree the course of action to be taken.

\*Local Authorities are required to designate officers to be involved in the management and oversight of individual cases – this person is known as the ‘Local Authority Designated Officer’ (LADO). The LADO provides advice and guidance, liaises with the Police, Social Care, Crown Prosecution Service (CPS) and other organisations as needed and ensures a consistent, fair and thorough process for both child and adult.

Any allegation that meets the threshold for ‘harm’ or ‘risk of harm’ will be reported to police and social care for investigation.

Investigations may have three related, but independent, strands:

- Enquiries and assessment by children’s social care regarding whether a child is in need of protection or in need of services;
- A police investigation into a possible criminal offence;
- Consideration by the employer of whether disciplinary action is necessary.

These three strands need to be thoroughly assessed and a definite conclusion reached on each of them. To ensure this happens, a ‘strategy meeting’ will take place to plan any enquiries, allocate tasks and set timescales. The meeting’s primary focus is on safeguarding and promoting the welfare of the child, but it’s also about ensuring a fair process for you, as the adult. It will consider not only the children directly involved in the allegation but also any other children who could have suffered, or are at risk of suffering, harm. This could include your own children. These meetings are held under the Local Safeguarding Children Board (LSCB) Procedures: they are not part of any disciplinary procedure. In exceptional cases, the meeting could take place before you have been made aware of the allegation.

Those invited to the strategy meeting include representatives from the Police and Social Care, a named Senior Officer/Manager from your place of work and a Human Resources Advisor. In certain circumstances, Health professionals or the Children’s Rights Officer (if a child who is looked after is involved) may also be invited. You will not be asked to attend, however your views will be represented and shared through any applicable investigation processes by the Police, Social Care and your manager. All relevant information will be shared and decisions made about what actions are to be taken next.

For employees, if the initial evaluation establishes that a Police or Social Care investigation is not required, the matter may still need to be dealt with under the disciplinary procedure. One reason for this is that the burden of proof in criminal cases is “beyond reasonable doubt” whereas the lower threshold of “the balance of probabilities” applies to disciplinary proceedings.

Please be assured that any subsequent investigations will be conducted as speedily as possible, but of course this has to be balanced against the need for a thorough and fair process.

**Cases subject to Police Investigation:** If a criminal investigation is required, the Police will set target dates for reviewing the progress of the investigation and for consulting with the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge you with an

offence or to close the case. If the police and/or CPS decide either not to charge you or to administer a caution, or if a Court acquits you, the police will pass all information relevant to a disciplinary case, such as statements, to your manager. If you are convicted of an offence, the police will inform your manager immediately.

**Disciplinary Investigation (Employees only):** If a Disciplinary Investigation is to take place, the investigation will take place in accordance with the Disciplinary Policy/Procedure (which you will be provided with a copy of). In some cases you will be told not to attend work whilst the investigation is in progress. This is called 'suspension' from duties. Suspension will not take place without careful thought and consideration being given to other suitable alternatives, such as a transfer of duties or additional supervision. Suspension acts as a protection to both the child/children involved and yourself, as this is a time when you could be vulnerable to further allegations. It is a 'neutral' act, meaning that its use does not mean you are considered blameworthy of the allegation.

**Will anybody else be notified?** Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated and considered. However, alongside the Police and Social Care, there will be a need for a small number of people to be informed that an allegation has been made and the likely course of action:

- The child/young person concerned, their 'parents' and any party making an allegation;
- You – at the appropriate time;
- Your manager;
- In schools, the Chair of Governors;
- The Local Authority Designated Officer;
- Potentially the relevant Regulatory Body or the Independent Safeguarding Authority (ISA).

Where the matter has become common knowledge or subject to speculation, it may also become necessary to issue a brief statement for parents, children and the public.

**Support for Employees:** You will be:

- a) advised to contact your Trade Union representative;
- b) offered the services of the Staff Counselling Service.

Employees and volunteers will be kept informed of the progress of the case by their line manager, or suitable person designated by them.

**Will I be informed of the outcome of the Strategy Meeting?** At the conclusion of the strategy process, you will be informed of the outcome of all enquires and the recommendations made to your manager. You will also be provided with a written account formally confirming the outcome. Depending on the scope and scale of the investigation/s, more than one strategy meeting may be needed before an outcome can be arrived at. At the final strategy meeting, the outcome of police and social care enquiries will be discussed and consideration given as to whether you pose a risk to children and whether your suitability to work with children in your current position has been called into question.

Recommendations will be made to your manager about the level of risk and/or any training issues that may have been identified. This will be taken account of in any internal investigation.

Where an allegation has been made but the threshold for harm is not met the manager will deal with the issue as an internal matter.

Where an allegation has been substantiated this may not always result in dismissal but additional training and monitoring may be necessary.

In the event that you are dismissed from your post because of a safeguarding concern, your manager has a statutory duty to refer you to the Independent Safeguarding Authority (ISA) for consideration of barring you from working with children.

**What if I resign during the disciplinary investigation?** It is important that every effort is made to reach and record a conclusion in all cases of allegations bearing on the safety or welfare of children, and so this would not prevent an allegation from being followed up and considered through the strategy process. Any reference given will also make reference to an ongoing investigation. In addition, your manager has a statutory duty to refer you to the ISA for consideration of barring you from working with children if you resign before a disciplinary process is completed and your manager considers that you may have been dismissed at the outcome of the process.

**What about my return to work?** Where it is decided that you can return to work your manager will consider how best to facilitate this. This may include a phased return.

**Will the details of the allegation stay on my personal employment file?** A clear and comprehensive summary of allegations made, their chronology and decisions reached will be kept on file at least until you reach normal retirement age, or for 10 years if that is longer. This applies even if you leave. The purpose of this record is to:

- provide clarification in cases where a future Criminal Records Bureau (CRB) Check reveals information from the Police that an allegation was made but did not result in a prosecution or conviction;
- enable an accurate response to be given to any future request for a reference;
- prevent unnecessary re-investigation if allegations resurface after a period of time.

**Will the details of an allegation appear on my CRB Disclosure Certificate?** Yes if the allegation results in a criminal charge. However, it is also possible there may be reference to an allegation that did not result in a criminal charge or conviction on a future CRB Disclosure Certificate. Such information would be disclosed at the discretion of a senior individual within the Police Force

**False allegations:** False allegations should be referred to the LADO and consideration will be given to a referral to Social Care for assessment. This is to rule out the possibility that the child is being abused elsewhere and displacing blame. Experience says that false/malicious allegations are not the norm: there is often misunderstood /misinterpreted behaviour of the adult or the child is aggrieved in some way at treatment received.

In the event that an allegation is shown to have been invented or malicious, the Headteacher/Principal/Senior Manager should consider whether disciplinary action against the individual who made it is appropriate. The police may also be asked to consider further action, taking into account the circumstances.

**Where can I get more information?**

- [Chapter 6/Appendix 5 - Working Together to Safeguard Children \(revised 2010\); www.lscb-llr.org.uk](#)

- Chapter 13 - Local Safeguarding Children Board (LSCB) Procedures - Allegations against a person who works with, or is in contact with, children in a work or care setting, including volunteers; [www.lscb-llr.org.uk/](http://www.lscb-llr.org.uk/)
- Handling Allegations of Abuse made against Adults who work with Children and Young People - Practice Guidance (Draft) (DCSF, 2009) [www.dcsf.gov.uk](http://www.dcsf.gov.uk)
- School-based staff, Chapter 5 - Safeguarding Children and Safer Recruitment in Education (2006) [www.schoolsrecruitment.dcsf.gov.uk](http://www.schoolsrecruitment.dcsf.gov.uk)
- Your Manager/Human Resources Advisor

## **Key Legislation**

- Children Act 1989
- Education Act 2002
- Children Act 2004 – Every Child Matters, Change for Children
- Safeguarding Vulnerable Groups Act 2006
- The Employment Act 2008

This policy should be read alongside the school's Safeguarding Children policy and the Whistleblowing policy.