



# Sidlesham Primary School

## Allegations of Abuse Policy

Date Agreed	May 2024
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Type	School
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## **Introduction**

This document outlines the steps to be taken when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, 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; or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse:

- Physical Abuse,
- Sexual Abuse,
- Emotional Abuse
- Neglect.

These include concerns relating to inappropriate relationships between adults and children or young people, e.g. having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (Sections 16-19 Sexual Offences Act 2003; 'grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (Section 15 Sexual Offences Act 2003); other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. Inappropriate text, e-mail messages or images, gifts, socialising, etc. and possession of abusive images of children.

This policy takes into account legislation from:

- The Children's Act 1989
- Section 175 of the Education Act 2002
- Section 157 of the Education Act 2002 and the Education Regulations 2010
- The Children's Act 2004
- Sections 141F, 141G and 141H of the Education Act 2002.

This policy applies to temporary as well as to permanent members of staff and supply staff.

The school's disciplinary procedures will be informed by this policy which is intended to be complementary and supplementary to the guidance contained in '*Working Together to Safeguard Children*'; '*Dealing with Allegations of Abuse against Teachers and other School Staff*', and to local Area Child Protection Committee (ACPC) procedures.

This policy is designed to be consistent with principles of natural justice.

This policy also has links to the school's Safeguarding Policy, Health and Safety Policy, Staff Disciplinary Policy, and Confidential Reporting Policy.

## **Roles and Responsibilities**

Working Together 2018 explains:

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner.

West Sussex Local Authority have designated a particular officer, or team of officers (either as part of multi- agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. These officers are sufficiently qualified and experienced to be able to fulfil this role effectively. Arrangements are put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay. They also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

### **Local Safeguarding Children Partnership**

The LADOs for West Sussex are Miriam Williams and Donna Tomlinson.

Consultation Contact Number: **0330 222 6450** (Available 09.00 – 17.00)

LADO Service email address: **LADO@WestSussex.gov.uk**

They have overall responsibility for:

- Being involved in the management and oversight of individual cases;
- Providing advice and guidance to employers, voluntary organisations and community groups;
- Liaising with the police and other agencies; and
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Providing advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc.

### **Sidlesham Primary School**

The Head teacher (01243 641238) is the Senior Officer who is responsible for ensuring that procedures in relation to allegations and concerns are in place and to whom allegations or concerns should be reported. The SENCO is the Deputy Designated Senior Manager to whom reports should be made in the absence of the Designated Senior Manager or where that person is the subject of the allegation or concern. They and the Designated Named Governor (Chair of Governors) are familiar with the provisions of '*Working Together to Safeguard Children*', ACPC child protection procedures and local authority procedures.

### **Sussex Police**

The Head of Specialist Investigations Branch will:

- Have strategic oversight of the police arrangements for managing allegations against staff and volunteers;
- Liaise with the LSCB on the issue; and
- Ensure compliance.

Each Specialist Investigation Unit detective inspector will:

- Liaise with the Local Authority Designated Officer;
- Ensure a Safeguarding Investigations Unit detective sergeant takes part in Strategy Discussions;
- Review the progress of cases in which there is a police investigation;
- Ensure information is shared as appropriate, on completion of an investigation or related prosecution.

### **Persons to be notified**

In principle, as soon as possible after an allegation is made, the Headteacher should inform the parent(s) or carer(s) of the child(ren) involved. The LADO should be consulted first to ensure that this does not impede the disciplinary or investigative processes. In some circumstances, however, the parent(s)/carer(s) may need to be told straight away, e.g. if a child is injured and requires medical treatment.

The responsibility for carrying out the LADO duties rests with the LADO for the area where the person works. Where a person works in more than one area, a discussion should take place between the relevant LADOs to determine who should take the lead in managing the case.

The parent(s)/carer(s) and the child, if sufficiently mature, should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

In principle the Headteacher should, as soon as possible, inform the person who is subject to the allegation or the concern relates to, about the nature of the allegation, how enquiries will be conducted and the possible outcome e.g. disciplinary action. Advice should first be sought from the LADO as the Police and/or Children's Social Care may want to impose restrictions on the information that can be provided.

### **The member of staff should:**

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process; and
- If suspended, be kept up to date about events in the workplace.

**Ofsted should also be informed** of all allegations or concern made against a:

- Foster carer;
- Prospective adopter;
- Member of staff in a residential child care facility;
- Member of staff in any day care establishment for children under 8; or
- Registered childminder.

They should also be invited to take part in any subsequent Strategy Discussion/Meeting.

Where the member of staff is agency teaching staff, a referral should be made to the LADO and the agency who supplied the teacher must be informed.

## **Supporting Those Involved**

### **Support for the child**

The school together with Children's Social Care and/or the Police, where they are involved, will consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

It should be clear to the child and their family who will keep them informed of the progress of the allegation or complaint.

### **Support for the person subject to the allegation or concern**

West Sussex County Council and Sidlesham Primary School should manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely cause of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative for support. Particular care needs to be taken when employees are suspended to ensure they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. The person should be clear on who will update them on the progress of the investigation. This is an on-going process and should be continued throughout any police investigation, Section 47 Enquiry or disciplinary investigation.

### **Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The Police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances, e.g. an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

### **Restrictions on Identifying Teachers Against Whom Allegations of Criminal Misconduct Have Been Made**

With effect from 1 October 2012, the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public

themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence.

The case manager should take advice from the LADO, Police and Children's Social Care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

(Note that this provision applies only to teachers, not to other staff in educational establishments.)

### **Initial considerations**

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria outlined in the introduction, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Officer (LADO) should be informed of all allegations that come to the school's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

### **How concerns arise**

Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:

- a direct allegation by a child/young person or a third party, for example a parent
- an observation by a member of staff that the behaviour of a colleague is inappropriate or potentially/actually abusive.

In either case the concern **must** be recorded and reported to the Designated Senior Manager immediately unless the allegations are about them in which case, it must be reported to the Deputy Designated Senior Manager.

### **Confidential Reporting / Whistle Blowing**

All staff should be made aware of the organisation's Confidential Reporting policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, (s)he should report the matter to the Local Authority Designated Officer (LADO).

### **Staff Who Hear an Allegation**

The member of staff receiving an allegation of abuse against another member of staff should report this immediately to the Designated Senior Manager, unless the allegations are about them, in which case, it must be reported to the Deputy Designated Senior Manager or Designated Named Governor.

The person, to whom the allegation is initially reported, must not promise confidentiality to the person who makes the allegation. In responding to a person who makes a disclosure, account should be taken of their age and understanding and whether they (if they are a child) or other children may be at risk of significant harm. While acknowledging the need to create an environment conducive to speaking freely, the member of staff should make it clear that they will need to pass on what has been said to ensure the protection of the child(ren). Within that context, the person should be assured that the matter will be disclosed only to people who need to know about it.

### **Initial action by person receiving or identifying an allegation or concern**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. He or she should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations; or
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

He or she should:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record; and
- Immediately report the matter to the Designated Senior Manager, or deputy in his/her absence or where they are the subject of the allegation.

### **Allegations received by the Police or Children's Social Care**

If a police officer receives an allegation, he or she should, without delay, report it to the Safeguarding Investigations Unit who should then immediately inform the Local Authority Designated Officer.

Similarly an allegation made to Children's Social Care should be immediately reported to the Local Authority Designated Officer.

### **Action by the Designated Senior Manager**

When informed of a concern or allegation, the Designated Senior Manager should not investigate the matter or interview the member of staff, the child concerned or potential witnesses. He/she should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation);
- Countersign and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses; and
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The matter will not be discussed with the person who is the subject of the allegation at this stage.

It is important to ensure that even allegations that appear to be less serious are seen to be followed up and taken seriously and that they are examined objectively by someone independent of the school concerned.

### **Consultation and referral**

If the allegation meets the criteria outlined in the introduction, the Designated Senior Manager should report it to the Local Authority Designated Officer **within one working day**. Referral should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the Designated Senior Manager should consult the Social Care Emergency Duty Team or local Police and inform the Local Authority Designated Officer as soon as possible.

If it is not clear whether the threshold for referral has been reached, the Designated Senior Manager can consult the Local Authority Senior Officer before a formal referral is made.

### **Initial consideration of the allegation**

There are up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services;

Consideration by an employer of following the disciplinary, standards of care or conduct procedures of the individual organisation.

The Local Authority Designated Officer and Designated Senior Manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer Significant Harm, the Local Authority Designated Officer should refer to Children's Social Care and ask them to convene an immediate Strategy Discussion.

The police must be consulted about any case in which a criminal offence may have been committed. If the threshold for Significant Harm is not reached, but a police investigation might be needed, the Local Authority Designated Officer should immediately inform the police and convene an Initial Evaluation (similar to Strategy Discussion), to include the police, employer and other agencies involved with the child.

References in this document to 'Strategy Discussions' should be read to include 'Initial Evaluations' where appropriate.

### **Action where police or local authority investigation is not necessary**



If the complaint or allegation is such that:

- it is clear that a criminal and/or child protection enquiries are not necessary, or
- the strategy discussion or initial evaluation decides that is the case, the Designated Senior Manager / Head teacher will discuss the next steps with the LADO.

In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action or giving professional advice as part of an informal warning, to conducting formal disciplinary action that could lead to dismissal or lesser formal warning.

If the nature of the allegation does not require formal disciplinary action/investigation, the Head teacher will institute appropriate action **within three working days**. This would normally be professional advice or an informal warning - although a record will be kept of this.

Where further enquiries will be needed to enable a decision about how to proceed, the Designated Senior Manager / Head teacher will agree with the LADO how and by whom the investigation will be undertaken.

In straightforward cases such investigation will normally be undertaken by the Headteacher, however, in other circumstances, lack of appropriate resources within a school or the nature or complexity of the allegation, it may require an independent investigator.

On receipt of the report of the investigation, the Head teacher 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**.

### **Strategy meeting/ Discussion**

Wherever possible, a Strategy Discussion should take the form of a meeting, however on occasions a telephone discussion may be justified. The following is a list of possible participants:

- Local Authority Designated Officer;
- Relevant social worker and his/her manager;
- Detective sergeant (Safeguarding Investigations Unit);
- Headteacher;
- Human resources representative;
- Legal adviser where appropriate;
- Senior representative of the employment agency or voluntary organisation;
- Manager from the fostering service provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;
- Those responsible for regulation and inspection where applicable e.g. Care Quality Commission (CQC) or Ofsted;
- Consultant Paediatrician;
- Where a child is placed or resident in the area of another authority, representative(s) of relevant agencies in that area;

All participants should be aware that the Strategy Meeting is a confidential meeting and the notes of the meeting should not be shared with any other person without the express consent of the

Chair. Where an invitee is from a non-statutory organisation a confidentiality agreement should be used.

The Strategy Discussion/Meeting should:

- Decide whether there should be a Section 47 Enquiry and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary/standards of care process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children e.g. Section 550a Education Act 1996 in respect of teachers and authorised staff;
- Consider whether the Complex (Organised or Multiple) Abuse Procedure is applicable;
- Plan enquiries if needed, allocate tasks and set time-scales;
- Decide what information can be shared, with whom and when.

The Strategy Discussion/Meeting should also:

- Ensure that arrangements are made to protect the child(ren) involved and any other child(ren) affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the Local Authority Designated Officer, having regard to the target timescales;
- Consider issues for the attention of senior management e.g. Media interest, resource implications;
- Consider whether a referral should be made to the Disclosure and Barring Service for consideration of barring;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future Strategy Discussions.

### **Section 47 Enquiry and Police Investigation**

If at the Strategy Discussion it is decided that either the police and/or Children's Social Care are to undertake enquiries or investigations then the progress of these inquiries should be reported back to the employer and the Local Authority Designated Officer at agreed intervals.

At the completion of the police investigation and/or Section 47 Enquiry, then a further Strategy Discussion should be held to ensure that all tasks have been completed. This Strategy Discussion should:

- Ensure that the member of staff has been informed of the outcome of the Police investigation/Section 47 Enquiry;
- Enable the investigating officer/social worker an opportunity to summarise the actions taken, people interviewed; and

- Offer a professional judgement, based on the information available at the time, on whether the allegation fell into one of the following categories:
- - **Substantiated.** A substantiated allegation is one which is supported or established by identifiable evidence or proof;
  - **Unsubstantiated.** An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
  - **Unfounded.** There is no evidence or proper basis which supports the allegation being made. This might indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
  - **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.

This information should be recorded and given as a written record to the employer and the Local Authority Designated Officer (as per the procedures).

Where a decision is made that criminal proceedings cannot be pursued, it should then be decided whether further investigation be undertaken, which may clarify whether the allegation is substantiated on a balance of probabilities, i.e. using the burden of proof used in civil cases (as opposed to the criminal burden of proof, which is 'beyond all reasonable doubt').

If the allegation is not demonstrably false or unfounded, a formal referral will be made to West Sussex Police Child Abuse Investigation Unit and a strategy meeting planned. A strategy discussion will be convened in accordance with “Working Together to Safeguard Children”

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services;
- consideration by the employer of disciplinary action in respect of the individual.

The Designated Senior Manager / Headteacher will attend any strategy meeting, unless there are good reasons not to do that, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

### **Action where police or local authority investigation is necessary**

The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away:

- if it is decided to close an investigation without arrest or charge or
- if it is decided not to prosecute after the person has been charged, or
- when a criminal investigation and any subsequent trial is complete

In those circumstances, the LADO will discuss with the Headteacher and chair of governors whether any further action, including disciplinary action is appropriate and, if so, how to proceed. The information provided by the policy and the local authority will inform that decision.

### **Managing Interim Risk**

In all situations the perceived level of risk during the investigation needs to be considered and managed. In certain situations the level may require the member of staff not to be working with specific children or young people or all children and young people until the investigation is completed. If this is the case then various options are open to the employer including:

- Redeployment so not to come into contact with one or more children;
- Refraining (agreeing that the person will not work with children during the investigation);  
or
- Suspension.

### **Suspension**

Refraining or suspension should be considered neutral acts and should not be automatic or considered as a default option. They should be considered in any case where:

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

If suspension is deemed appropriate, the reasons and justification should be recorded and the individual notified of the reasons.

Decisions around risk are best made in an inter professional forum, if a Strategy Discussion/Meeting is to be held or if Children's Social Care or the Police are to make enquiries, the Local Authority Designated Officer should canvass their views on refraining/suspending and inform the employer.

Only the school however, has the power to refrain/suspend an accused employee and they cannot be required to do so by a local authority or the police.

The possible risks to children should be evaluated in terms of the child(ren) involved in the incident. Additionally, consideration must be given to the risks of any children related to, living with or in contact with through other work or community life, to the accused member of staff.

If the child also lives with the member of staff, then the welfare of the child should be considered paramount and the risk managed in a way which ensures the minimum of disruption, and encourages placement stability, but maximises the protection of the child(ren).

### **Sharing Information for Disciplinary Purposes**

Wherever possible, the Police and Children's Social Care should, during the course of their investigations and enquiries, obtain consent to provide the Headteacher with statements and evidence for disciplinary purposes.

Where an allegation involves a person who is not a member of an organisation represented on the LSCB, evidence from the case will not be released by the police for disciplinary proceedings until the following has been considered and established:

- Does the school have disciplinary procedures in place?
- How often are they used?
- Who will be involved in the process?
- What is their experience in handling evidential and sensitive material;
- Has the victim/witness (or parent/carer) been informed about the impending process and confirmed their previous permission to share their evidence;
- What is the future potential to safeguard children arising from a disciplinary hearing.

Any case involving such a person should therefore be considered by the Police at the appropriate time, and the LADO informed. Even when the above has been confirmed there will be a presumption against the release on an investigative video recording, particularly if they contain evidence of sexual abuse or other sensitive matters.

If the Police or Crown Prosecution Service decides not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the Headteacher without delay.

If the person is convicted, the police should inform the employer straight away so that appropriate action can be taken.

### **Disciplinary or Suitability Process and Investigations**

The Local Authority Designated Officer and the Designated Senior Manager / Headteacher should discuss whether disciplinary/standards of care action is appropriate in all cases where:

- It is clear at the outset or decided by a Strategy Discussion that a police investigation or Section 47 Enquiry is not necessary; or
- The employer or Local Authority Designated Officer is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or Children's Social Care;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the Local Authority Designated Officer and Headteacher should

act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action.

### **Resignations and Compromise Agreements**

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete. However in every situation the outcome of the disciplinary process should be recorded.

In these circumstances consideration should be given to making referrals to the Disclosure and Barring Service Barred Lists and regulator/registration bodies.

'Compromise agreements' must not be used, e.g. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

### **Organised and Historical Abuse**

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with Complex (Organised or Multiple) Abuse Procedure which, if applicable, will take priority.

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed and a Strategy Discussion/Meeting held.

### **Considerations Post Investigation**

If a refrained/suspended person is to continue to work with children after the investigation into the process has been completed, the school should consider what help and support might be appropriate, e.g. a phased return to work and/or provision of a mentor, and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

If school removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, they must make a referral to the DfE Disclosure and Barring Service within one month. It is an offence to fail to make a referral without good reason.

## **Unsubstantiated Allegations**

Where it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the Strategy Discussion or initial evaluation should prepare a separate report of the enquiry which uses the information from the Police/Children's Social Care and forward this to the Designated Senior Manager / Headteacher to enable her/him to consider what further action, if any, should be taken.

## **Malicious Allegations**

Such allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is deliberately invented and demonstrably malicious, the Designated Senior Manager / Headteacher, in consultation with the Local Authority Designated Officer, should refer the matter to Children's Social Care to determine whether the child is in need of services, or might have been abused by others.

## **Learning Lessons**

The school and the Local Authority Designated Officer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice. Where appropriate, this should include agreement to an action plan for future practice based on lessons learnt.

## **Record Keeping**

The Designated Senior Manager / Headteacher should keep a clear and comprehensive summary of the case record and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be completed in collaboration with the Local Authority Designated Officer. A copy of this summary should be:

- Placed on the person's confidential personnel file;
- Given to the individual; and
- Given to the Local Authority Designated Officer.

It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

## **Suggested Timescales**

The following process suggests timescales, which are the timescales to be used to inform the Local Authority Designated Officer.

It is important to recognise that the right outcome is far more important than meeting these timescales. The following principles should be used at all times.

- Minimising delay;

- Providing full written information;
- Being open;
- Ensuring access to independent support.

If formal disciplinary action is not required, the Headteacher should institute appropriate action within 3 working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the Headteacher and the Local Authority Designated Officer should discuss whether the Headteacher has appropriate resources or whether the Headteacher should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. A relative or friend of the member of staff should not conduct the investigation.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children.

If there has not been a police investigation/Section 47 Enquiry then the process would need to also come to the conclusion as to whether the allegation was substantiated, etc. as in Section 47 Enquiries and Police Investigations.

At any stage, if new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with Children's Social Care and the Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

The investigating officer should aim to provide a report within 10 working days.

On receipt of the report the Headteacher should decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

### **Monitoring progress**

The Local Authority Designated Officer should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. Where the target timescales cannot be met, the Local Authority Designated Officer should record the reasons.

The Local Authority Designated Officer should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education as required.

If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the Crown Prosecution Service about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4



weeks after the Strategy Discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

### **Referral to Disclosure and Barring Service or Regulatory Body**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Local Authority Designated Officer should discuss with the Headteacher whether a referral should be made to the Disclosure and Barring Service for inclusion on the Barred Lists and/or a regulatory body, e.g. the Teaching Agency or General Medical Council.

Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children.

If a referral is to be made, it should be submitted within one month.

### **Allegations Against Staff in their Personal Lives**

If an allegation or concern arises about a member of staff, outside of his/her work with children, and this may present a risk to child(ren) for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The Strategy Discussion should decide whether the concern justifies:

- Approaching the member of staff's Headteacher for further information, in order to assess the level of risk; and
- Inviting the employer to a further Strategy Discussion about dealing with the possible risk; or
- Who will make contact with the Headteacher and who, if it is agreed will inform the member of staff of this course of action.

If the member of staff lives in a different authority area to that which covers his/her workplace, liaison should take place between the relevant agencies in both areas and a joint Strategy Discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff, e.g. partner, member of the family, or other household member, may present a risk to child(ren) for whom the member of staff is responsible. In these circumstances, a Strategy Discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child(ren);
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

For further guidance please refer to the flowchart below.

## Appendix 5

### Stages to Managing Allegations Parents Flow Chart Guidance

